THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

FOURTEENTH SESSION.

1924.

VOLUME XIV—No. 4.

(12th to 14th March, 1924.)

BENGAL LEGISLATIVE DEPT. LIBRARY.
1. SEP. 1927
BENGAL LEGISLATIVE DEPT. LIBRARY.

CALCUTTA:
Bengal Secretariat Book Depot.
1924.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWER-LYTTON, Earl of Lytton, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir BIJAY CHAND MAHTAB, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan, Vice-President, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded Areas.
6. European Education.

The Hon'ble Sir ABD-UR-RAHIM, K.C., in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration.
4. Jurisdiction.
5. Legislative.
6. Haj Pilgrimage.

The Hon'ble Sir HUGH STEPHENSON, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political (excluding Haj Pilgrimage).
3. Police.
4. Jails.
5. Ecclesiastical.

The Hon'ble Mr. JAMES DONALD, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Reserved Industrial Subjects.
4. Marine.

MINISTERS.

The Hon'ble Maulvi ABUL KASIM FAZL-UL HUQ, in charge of the following portfolios:—

Education.
Medical.

The Hon'ble Hadji Mr. ABDUL KARIM ABU AHMED KHAN GHUZNAVI in charge of the following portfolios:—

1. Agriculture and Public Works.

2. Local Self-Government and Public Health.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. H. E. A. COTTON, C.I.E.

DEPUTY PRESIDENT.

Major HASSAN SUHRAWARDY, M.D., F.R.C.S.

PANEL OF CHAIRMEN FOR THE FOURTEENTH SESSION.

Kumar SHIB SHEKHARESWAR RAY.

Sir WILLOUGHBY CAREY.

Babu JATINDRA NATH BASU.

Maulvi EKRAMUL HUQ.

Secretary to the Council—C. TINDALL, C.I.E., I.C.S.

Assistant Secretaries to the Council—J. BARTLEY, I.C.S., A. M. HUTCHISON, and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE
26 AUG 1925
LIBRARY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addams-Williams, Mr. C., C.I.E. (Nominated Official.)
Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Rafi Uddin. [Jessore North (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Aley, Mr. S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. [Burdwan Landholders.]
Banerjee, Mr. Ashiny Coomar. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Bose, Babu Bejoy Krishna. (Calcutta University.)

C

Carey, Sir Willoughby, Kt. (Indian Mining Association.)
Chakravarti, Mr. Byomkes. (Bengal National Chamber of Commerce.)
Chakravorti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur, C.I.E. [Dacca West Rural (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Choinuddin, Khan Bahadur Maulvi Md. [Rajshahi North (Muhammadan).]

Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central. (Non-Muhammadan).]
Cochran, Mr. A., C.B.E. (Bengal Chamber of Commerce.)
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Cottle, Mr. J. (Calcutta Trades Association.)

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohon. [Faridpur South (Non-Muhammadan).]
Das, Mr. C. R. [Midnapore South (Non-Muhammadan).]
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
DeLisle, Mr. J. A. [Dacca and Chittagong (European).]
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Donovan, Mr. J. T. (Nominated Official.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Emerson, Mr. T., C.I.E. (Nominated Official.)

F

Faroqui, Mr. K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul, B.L. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Muncipal, (Non-Muhammadan).]
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan. [Minister, Mymensingh West (Muhammadan).]
Godfrey, Sir George, Kt. (Bengal Chamber of Commerce.)
Goenka, Babu Badridas. (Bengal Marwari Association.)
Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haldar, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hoque, Maulvi Sayedul. [Noakhali (Muhammadan).]
Hossain, Khan Bahadur Maulvi Musharruf. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Maulvi Mahbubul. [24-Parganas Municipal (Muhammadan).]
Huq, the Hon'ble Maulvi A. K. Fazl-ul. [Minister, Bakarganj West (Muhammadan).]

J

Joardar, Maulvi Aftab Hossain. [Nadia (Muhammadan).]
Jones, Mr. J. A., C.I.E. [Presidency and Burdwan (European).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Rashid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat, B.A. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammed, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Liddell, Mr. H. C. (Nominated Official.)

M

Mahammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Mahtab, the Hon'ble Sir Bijay Chand, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan. (Member, Executive Council.)
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Marr, Mr. A., C.I.E. (Nominated Official.)
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
McAlpin, Mr. M. C., C.I.E. (Nominated Official.)
Mitra, Babu Jogendra Nath. [Jessore South (Non-Muhammadan).]
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Mitter, Mr. Provash Chunder, C.I.E. (Presidency Landholders.)

Moberly, Mr. A. N. (Nominated Official.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje, M.A., (Cantab.), Bar-at-Law. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, the Hon'ble Sir Abd-ur., Kt. (Member, Executive Council.)
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N., Bar.-at-Law. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Mr. S. N. (Nominated Official.)

Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Maniloll Singh, C.I.E. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Chaudhuri, Mr. K. C. (Nominated Non-official.)
Roy Chaudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]
Roy Chaudhury, Babu Brajendra Kishore. (Dacca Landholders.)

S

Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sasmal, Mr. Birendra Nath. [24-Parganas Rural South (Non-Muhammadan).]
Sen, Mr. Nisith Chandra. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Stephenson, the Hon'ble Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Major Hassan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]
Swan, Mr. J. A. L. (Nominated Official.)

T

Tarafdar, Maulvi Rajb Uddin. [Bogra (Muhammadan).]
Travers, Mr. W. L., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Willis, Mr. Arthur d'Anyers. (Bengal Chamber of Commerce.)
Wilson, Mr. R. B., C.I.E. (Bengal Chamber of Commerce.)

Y

Yasin, Maulvi Muhammad. [Burdwan Division North (Muhammadan).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Fourteenth Session.)

VOLUME XIV—No. 4.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 12th March, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, and 116 nominated and elected members.

Oath.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. C. ADDAMS-WILLIAMS, C.I.E.,
Mr. H. C. LIDDELL,
Mr. S. N. ROY, I.C.S.
Mr. A. D. GORDON.

Starred Questions

(to which oral answers were given).

Deputation of Munsif, Nawabganj, to Boalia Sadar.

***LVII. Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state the total number of undisposed of suits in the Courts of the Munsifs of Boalia Sadar and Nawabganj, respectively, by the end of the December quarter, 1923?

(*b*) Will the Hon'ble the Member be pleased to state the reasons for the deputation of the Munsif of Nawabganj to the Boalia Sadar Munsifi of Rajshahi, in January, 1924?

(c) Is the Hon'ble the Member aware of the inconvenience of the litigant public in those cases where judicial officers of single Munsifs are sent on deputation to a different Court?

(d) Are the Government considering the desirability of passing orders that this aspect of the matter will be taken into consideration before orders relating to similar deputations are issued in future?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (a) One thousand and eighty-three and 378 respectively.

(b) The deputation which was only for a month was made in order to work off heavy arrears at Boalia before the April institutions created further congestion.

(c) Yes, but such inconvenience is sometimes unavoidable.

(d) This aspect of the matter has always been taken into account before similar deputations are ordered, and will continue to be taken into account on such occasions.

Grand Trunk Road.

***LVIII. Babu BORODA PROSAD DEY:** (a) Is the Hon'ble the Minister in charge of the Department of Public Works aware that the section of the Grand Trunk Road between Howrah and Hooghly, is in a bad condition?

(b) Is it a fact that this section of the road is very much used for motor traffic?

(c) Is it a fact that complaint has been made that the allotment for its maintenance is inadequate?

(d) Will the Hon'ble the Minister be pleased to state the amount allotted per mile for repair?

(e) Are the Government aware that the road is not repaired in proper season? If so, what are the reasons for this?

MINISTER in CHARGE of DEPARTMENT of PUBLIC WORKS (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (a) and (b) Yes. Cart traffic and the passage of heavy motor lorries, combined with the narrowness of the metalled width are responsible for the condition of the road.

(c) Yes. The expenditure has to be limited to the extent of funds available.

(d) The expenditure varies with the locality, density of traffic and width of road.

In Howrah the cost of repairs is Rs. 6,140 per mile and the average for the remainder comes to Rs. 1,210 per mile. The cost of repairs will always be excessive until the metalled width is widened.

(e) The greater part of the road is repaired in the proper season. In Howrah a certain sum was made available for repairs late in the year and these repairs were carried out up to February, mainly because there existed a copious supply of water on the road sides over this length.

Babu BORODA PROSAD DEY: Is it a fact that in recent years there have been lapses of the allotments in connection with the Grand Trunk Road?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: Not that I am aware of.

Retrenchment in Agricultural Department.

***LIX. Babu SATYENDRA CHANDRA MITRA:** (a) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

(i) when orders were passed for the reduction of staff of the District Agricultural Officers and Demonstrators; and

(ii) What action has been taken to give effect to the orders in each case?

(b) Is there any truth in the rumour that the Director of Agriculture recommended the retention of a number of junior and temporary District Agricultural Officers and Demonstrators in preference to their seniors, who are permanent?

(c) If so, what were the grounds justifying the recommendation made?

(d) Is it not the ordinary rule to dispense with the services of temporary and officiating men when reduction of staff is made?

(e) If so, was not the Director of Agriculture aware of it?

(f) Will the Hon'ble the Minister be pleased to state—

(i) the number of permanent and temporary posts of the District Agricultural Officers now in existence;

(ii) how many of the temporary posts are sanctioned by Government; and

(iii) how many are sanctioned by the Director of Agriculture?

(g) Is it a fact that a number of temporary and officiating District Agricultural Officers have been discharged while the services of their juniors who are also temporary men have been retained?

(h) If so, will the Hon'ble the Minister be pleased to state the reasons for adopting such a course?

(i) Did the Director of Agriculture obtain the approval of Government to the said procedure?

(*j*) If the answer to (*d*) is in the affirmative will the Hon'ble the Minister be pleased to state the reasons why all the temporary posts have not been abolished to give effect to the retrenchment orders?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) (*i*) In June, 1923.

(*ii*) Nineteen temporary District Agricultural Officers have been discharged and 28 unconfirmed demonstrators have been given notice of discharge. The cases of confirmed officers are under consideration.

(*b*) Any recommendations which the Director of Agriculture may have made are confidential.

(*c*) The question does not arise.

(*d*) The answer is in the affirmative.

(*e*) The answer is in the affirmative.

(*f*) (*i*) Forty-one permanent; none temporary.

(*ii*) and (*iii*) The questions do not arise.

(*g*) The answer is in the affirmative.

(*h*) These officers have been retained in leave vacancies as they are considered to be the best qualified.

(*i*) The answer is in the negative.

(*j*) All the temporary posts have been abolished.

Retrenchment of District Agricultural Officers.

***LX. Babu SATYENDRA CHANDRA MITRA:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that orders for the retrenchment of the officiating District Agricultural Officers were issued from the office of the Director of Agriculture at Dacca on the 26th September, 1923, and the said orders reached those officers on the 29th September, 1923, asking them to make over charge on the 1st October forenoon, 1923?

(*b*) Is it not the rule to give them a month's notice?

(*c*) If so, will the Hon'ble the Minister be pleased to state—

(*i*) why orders were issued in that way, and

(*ii*) whether the officers concerned were given any compensation for so short a notice?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) An officiating officer is liable to be discharged when a permanent incumbent rejoins or a readjustment takes place and this is what happened in the case referred to.

(*b*) The answer is in the negative.

(*c*) The question does not arise.

Allowances to State prisoners.

*LXI. **Babu SATYENDRA CHANDRA MITRA:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether there has been any change in the Law or the Rules regarding the treatment of the State prisoners under Regulation III of 1818?

(*b*) If so, what are those changes?

(*c*) Is the Hon'ble the Member aware that some of the State prisoners have not been granted the same amount of allowance for their dependents as they used to get during their detention on the last occasion although the number of dependents is the same?

(*d*) Will the Hon'ble the Member be pleased to state whether it is a fact—

(*i*) that the State prisoner Muzaffer Ahmed has been sanctioned only Rs. 25 for the maintenance of his wife and the education of his daughter;

(*ii*) (*a*) that the State prisoner Satis Chandra Pakrashi has been sanctioned Rs. 15 only, for the maintenance of his eight dependents,

(*b*) that this State prisoner used to get Rs. 25 on the last occasion;

(*iii*) that the State prisoner Amrita Lal Sarkar receives only Rs. 15 for the maintenance of his wife and the education of his younger brother, a college student;

(*iv*) that the State prisoner Ramen Chandra Chowdhury gets only Rs. 20 for all of his dependents; and

(*v*) (*a*) that the State prisoner Professor Jyotish Chandra Ghosh receives only Rs. 30 for four of his female dependents;

(*b*) that this State prisoner used to get Rs. 60 while under detention on the last occasion?

(*e*) Is it a fact that Maulvi Muzaffer Ahmed and Babu Monoranjan Gupta have refused to accept Rs. 25 and Rs. 20, respectively, as they consider the amount too insignificant to be of any use?

(*f*) Is it a fact—

(*i*) (*a*) that no allowance has been granted to Dr. Jadu Gopal Mukherjee, M.B.;

(*b*) that this State prisoner has got five female dependents on him; and

(*ii*) (*a*) that no allowance has been given to Bhupendra Nath Dutta,

(*b*) that this State prisoner used to get Rs. 30 on the last occasion of his detention and that he has got his old parents, younger brother and sisters dependent on him?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) and (*b*) There has been no change in the Law. Slight modifications have been made from time to time in the rules, chiefly with the object of eliminating divergencies of practice in different jails.

(*c*) The family allowances of some of the State prisoners are not the same as on the previous occasion on which they were detained.

(*d*) Government are not prepared to publish information or enter into discussion which will disclose the private affairs of the State prisoners and their families.

(*e*) The allowances are paid to the families of the prisoners direct, not to the prisoners themselves.

(*f*) *Vide* answer to question (*d*) above.

Babu SATYENDRA CHANDRA MITRA: In answer to question (*d*), will the Hon'ble Member kindly state if it is in the *bona fide* interest of the prisoners concerned or their families, or in the interests of the State, that the information is being withheld?

The Hon'ble Sir HUGH STEPHENSON: I have nothing to add to my answer to this question.

Director of Agriculture.

***LXII. Babu SATYENDRA CHANDRA MITRA:** (*a*) Is the Hon'ble the Minister in charge of the Department of Agriculture and Industries aware that the Retrenchment Committee recommended the abolition of the post of Director of Agriculture?

(*b*) What are the reasons which have led Government to retain the post?

(*c*) Is it a fact that the services of a large number of subordinates have been dispensed with?

(*d*) What are the qualifications for the post of the Director of Agriculture?

(*e*) Does the present incumbent possess the necessary qualifications?

(*f*) Will the Hon'ble the Minister be pleased to state why the present Director of Agriculture was not given the billet permanently in 1920?

(*g*) Is it a fact that he had officiated in the place for about a year?

(*h*) What were the reasons which led Government some time ago to appoint his junior Mr. Evans in preference to Mr. Finlow?

(*i*) What are the reasons which have led the Government to reappoint Mr. Finlow once again?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) The recommendation in paragraph 295 of the Retrenchment Committee's report implied the abolition of the post of the Director of Agriculture.

(*b*) Government did not consider the recommendation referred to to be practicable.

(*c*) It has been decided to discharge a considerable number of the subordinate staff. Full effect has not yet been given to the decision, but temporary officers have been discharged or have received notice of discharge.

(*d*) Administrative ability and, in the case of a departmental officer, thorough experience of the working of the department.

(*e*) Certainly. He would not have been appointed unless in the opinion of Government he possessed the necessary qualifications.

(*f*) The Government selected for the post the most qualified officer obtainable in 1920.

(*g*) The answer is in the affirmative.

(*h*) *Vide* answer to (*f*).

(*i*) Government has selected for the post the most qualified officer obtainable.

Court of Wards Act.

***LXIII. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** (*a*) Are the Government considering the desirability of amending the Court of Wards Act in the light of the opinions collected as a result of the resolution moved by me in Council on 27th March, 1916, for giving protection to the minor children of tenure-holders and other disqualified members among them?

(*b*) If so, when is such a Bill to be introduced into the Council?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) The answer is in the negative.

(*b*) This does not arise.

Political undertrial prisoners.

***LXIV. Mr. J. M. SEN GUPTA:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) whether any difference is made in food, accommodation and treatment generally between convicted prisoners and undertrial prisoners inside the jail; and

(*ii*) whether the Government are treating Santosh Kumar Mitra and the six other co-accused who are under-trial prisoners in the Alipore Central Jail as political under-trial prisoners?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) whether any difference is made between political under-trial prisoners and ordinary under-trial prisoners in regard to food, accommodation and treatment generally;

(*ii*) whether he is aware that all political under-trial prisoners come from respectable Bengali *bhadralok* families; and

(*iii*) whether the food supplied to the political under-trial prisoners is the same as given to the ordinary under-trial prisoners?

(*c*) If the answer to question (*b*) (*iii*) is in the affirmative, are the Government considering the desirability of giving better food to the under-trial political prisoners of respectable Bengali *bhadralok* families?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) Yes; *vide* rules 915—920 of the Jail Code.

(*ii*) They are treated as under-trial prisoners.

(*b*) (*i*) All under-trial prisoners are treated alike.

(*ii*) Government are aware that many of the persons accused of offences which have a revolutionary colouring come from Bengali *bhadralok* families.

(*iii*) Yes.

(*c*) No.

Erosion of Nawabganj town.

***LXV. Babu ROMES CHANDRA BAGCHI:** (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state the total amount spent up to date, in erecting spurs to prevent erosion of Nawabganj town by the Mahananda river?

(*b*) What is the total amount sanctioned for the purpose?

(*c*) Have the results of the operations adopted so far been reported as satisfactory?

(*d*) If so, will such operations be continued next year, if necessary?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) The total amount spent up to date is Rs. 8,769.

(*b*) The total amount of the sanctioned estimate for the work was Rs. 8,720.

(*c*) The reply is in the affirmative.

(*d*) New spurs may not be required but repairs to the existing spurs will be done if necessary, provided funds are available.

Non-payment of allowances to Deputy and Sub-Deputy Collectors when in road cess revaluation work.

***LXVI. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue be pleased to state—

(*i*) to what special works are the Deputy Collectors and Sub-Deputy Collectors deputed from time to time; and

(*ii*) what are the allowances paid to them during their various deputations?

(*b*) Is it a fact that no allowance is paid to them when engaged in road cess revaluation work?

(*c*) If so, what is the reason for this differential treatment in the matter of allowances?

(*d*) Are the Government proposing to reconsider this matter?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) (*i*) Deputy and Sub-Deputy Collectors are deputed to the following special work:—

(*1*) Settlement.

(*2*) Land Acquisition.

(*3*) Khas Mahal.

(*4*) Butwara.

(*5*) Cess revaluation.

(*ii*) Generally allowances of Rs. 100 a month to Deputy Collectors and Rs. 50 a month to Sub-Deputy Collectors are granted in the case of Settlement and Land Acquisition work and also in selected cases of khas mahal work for special reasons.

(*b*) The answer is in the affirmative.

(*c*) Cess work is very largely mechanical; neither its nature, the amount of work nor the amount of touring involved are such as to justify the grant of a special allowance.

(*d*) The answer is in the negative.

Babu BORODA PROSAD DEY: Does the Hon'ble Member think that the work involved in land acquisition and khas mahal business is of a much more difficult nature than the work involved in cess revaluation?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: It is certainly much more responsible.

Steam launch of Chittagong Excise Department.

*LXVII. **Babu ANILBARAN RAY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) whether there is a steam launch for the use of the Excise Department at Chittagong;

(*ii*) whether it was purchased for the detection of opium smuggling by sea and big channels near Chittagong;

(*iii*) whether there have been any cases of smuggling successfully detected with the help of the said launch;

(*iv*) if so, how many cases were so detected; and

(*v*) the cost per month for the upkeep of the said steam launch?

(*b*) Is the Hon'ble the Minister aware that all the important and big opium smuggling cases were detected during the time of Rai Lalit Mohan Sen Bahadur before the purchase of the said steam launch?

(*c*) Is it a fact that the said launch is used for pleasure trips by the Excise Superintendent and other officials of the district?

(*d*) Are the Government considering the desirability of selling off the steam launch and of carrying on the Excise work of the district as in the pre-launch days?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) The answer is in the affirmative.

(*ii*) The launch was built in Kidderpore Dockyard in 1906 for the Salt Department, for preventive work along the coasts of Chittagong and among the islands adjacent thereto.

(*iii*) The launch has been used to check the smuggling of opium by boat along the coast from Bengal to Burma.

(*iv*) The actual number of detections is not known and to ascertain the figure would involve an examination of the record of every excise case in Chittagong after 1906.

(*v*) Cost of crew—Rs. 313 per mensem.

Average cost of stores on basis of figures for 1922-23—Rs. 45 per mensem.

(*b*) No special information on this point is available. Government are aware of the services rendered by Rai Lalit Mohan Sen Bahadur when he was in Chittagong.

(*c*) The answer is in the negative.

(*d*) In pursuance of the policy of retrenchment, it is proposed to dispose of this launch.

Indigenous industries.

***LXVIII. Babu ROMES CHANDRA BAGCHI:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the names and salaries of Government officers having expert knowledge in different industries; and

(*ii*) the period of their service in each case?

(*b*) Is it a fact that development of existing industries of the Province and introduction of new ones are among the avowed objects of the said Department?

(*c*) How many new industries have, since the Department came into existence, been introduced in Bengal on Government initiative?

(*d*) What has been the result in each of those new industries introduced?

(*e*) What indigenous industries of the Province are receiving special attention of the Department?

(*f*) How is the Department helping the development of those indigenous industries?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*), (*i*) and (*ii*) A statement is laid on the Library table.

(*b*) The answer is in the affirmative.

(*c*) It cannot be said that new industries have been introduced into Bengal on Government initiative since the creation of the Department of Industries, but considerable assistance has been given to existing industries and new processes have been introduced.

(*d*) The question does not arise.

(*e*) The following are some of the indigenous industries which have received the special attention of the Department, viz., tanning, weaving, dyeing, match manufacture, glass manufacture, glue manufacture, bell metal, and conch-shell cutting.

(*f*) Tanning.—By research, training of students and apprentices, and demonstrations.

Spinning and weaving and dyeing.—By devising improved methods and more suitable appliances; by teaching in the Weaving Institute and peripatetic and stationary schools.

Match Manufacture.—By a complete survey of the forests for suitable wood and examination of 120 species of wood. Investigating the bleaching of Gangwa wood obtainable near Calcutta and successfully finding a process to make it suitable for the industry. By research into other problems, e.g., damp proofing. Bulletins have been published containing the results.

Shellac.—By discovering improved methods of manufacture and teaching them. A bulletin has been published.

Glass manufacture.—Successful demonstration of utilisation of inexpensive salt cake, hitherto considered a valueless bye-product of the manufacture of acids, instead of expensive imported soda ash.

Gur and sugar.—Investigating improved processes.

Oil.—Discovering and publishing improved methods of refinement and deodorisation.

The department has effected improvements in several other industries —waterproofing of fabrics, soap manufacture, pottery, cutlery, basket-making, manufacture of vinegar, etc.

These are some of the ways in which the department helps indigenous industries but the answer is by no means exhaustive.

Peons' Uniforms.

***LXIX. Mr. S. N. HALDAR:** Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(*i*) what is the amount spent annually on the uniforms of chaprassis and peons employed by the Government during the summer and winter season, respectively;

(*ii*) whether the materials used for these uniforms are swadeshi (indigenous) or foreign; and

(*iii*) the names of the firm that supply these uniforms?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*i*) Uniforms for chaprassis and peons are a matter of contingent expenditure: the information required is, therefore, not readily available and its collection would involve an amount of labour incommensurate with its value.

(*ii*) and (*iii*) No general orders have been issued: controlling officers have full discretion provided the sanctioned rates are not exceeded.

Mr. S. N. HALDAR: Will the Hon'ble Member be kind enough to issue orders to the effect that indigenous and swadeshi cloths be used for the uniforms of chaprassis and peons henceforth?

The Hon'ble Mr. J. DONALD: I want fresh notice.

North Bengal floods.

***LXX. Maulvi SAYEDAL HOQUE:** Will the Hon'ble the Member in charge of the Department of Revenue be pleased to state—

(*i*) the causes to which the last North Bengal flood was due; and

(*ii*) what steps, if any, have been taken by the Government for the prevention of such occurrences in the future?

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN: (*i*) The North Bengal Floods of 1922 were due to very excessive rainfall combined with abnormal floods in the Ganges into which the flooded area naturally drains.

(*ii*) Government have appointed a Committee of experts, official and non-official, to investigate the whole question and suggest possible remedies; their report is expected shortly. In the meantime the Eastern Bengal Railway authorities are providing additional waterways on their system.

Mr. NISITH CHANDRA SEN: What are the number of waterways that are being provided for?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I want fresh notice.

Chandpur-Noakhali Railway line.

***LXXI. Maulvi SAYEDAL HOQUE:** Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether he is considering the desirability of drawing the attention of the Assam-Bengal Railway authorities—

(*i*) for arranging a through train from Chandpur to Noakhali; and

(*ii*) for constructing waiting rooms in those stations where there are none on the said line?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*i*) and (*ii*) The attention of the Agent will be drawn to the subject matter of the question.

Unstarred Questions

(answers to which were laid on the table).

Carriages with open sides on Khulna-Bagerhat Railway.

108. Maulvi SAYYED SULTAN ALI: (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works (Railways) aware that—

(*i*) the lower class passengers of the Khulna-Bagerhat Light Railway have to travel in open carriages; and

(*ii*) the children and goods of passengers sometimes fall down from the carriage?

(*b*) If so, are the Government considering the desirability of asking the railway authorities for covering the carriages?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) The lower class carriages on this Railway have open sides provided with tarpaulin or canvas curtains to provide protection from the rain.

(*ii*) No report of any accident of this nature has been received either by Government or in the Head Offices of this Railway.

(*b*) A certain number of the older lower class vehicles on the Khulna-Bagerhat Light Railway are to be rebuilt with bodies of the closed type. This railway is only a light tramway line and improvements in rolling stock can only be carried out gradually as funds permit.

Commissioners of suburban municipalities.

109. Maulvi WAHED HOSSAIN: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state how many out of the total number of Municipal Commissioners are—

(*1*) European,

(*2*) Hindu, and

(*3*) Muhammadan

in each of the municipalities of—

(*i*) Chitpur-Cossipore,

(*ii*) Baranagar,

(*iii*) Kamarhati,

(*iv*) Titagarh,

(*v*) North Barrackpore,

(*vi*) Garulia, and

(*vii*) Bhatpara?

(*b*) Will the Hon'ble the Minister be pleased also state the number of nominated and elected Commissioners in each of those municipalities?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Mr. C. S. Dutt): (*a*) and (*b*) A statement furnishing the required information is laid on the table.

Statement referred to in the reply to unstarred question No. 109.

Name of Municipality.	Number of Municipal Commissioners.						
	European.	Hindu.	Muhammadan.	Total.	Elected.	Nominated.	Total.
Cossipore-Chitpur	2	9	1	12	8	4	12
Baranagar ..	1	11	1	13	9	4	13
Kamarhati ..	2	10	1	13	9	4	13
North Barrackpore	1	12	2	15	10	5	15
Titagarh ..	6	2	2	10	*	*	*
Garulia ..	3	5	2	10	*	*	*
Bhatpara ..	10	8	1	19	*	*	*

* As the elective system is not in force all the Commissioners are appointed by Government.

Post of Registrar, Co-operative Societies.

110. Babu SAILAJA NATH ROY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that Rai Bahadur Jamini Mohan Mitra, Registrar, Co-operative Societies, Bengal, who left for England in connection with the work of the British Empire Exhibition, has left a note to the effect that none but a member of the Indian Civil Service should be appointed to the post?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Minister be pleased to state the reasons adduced by the Rai Bahadur in support of his recommendation?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) Any notes which Rai J. M. Mitra Bahadur may have made are confidential.

(*b*) The question does not arise.

Income from new taxes and savings effected by retrenchment.

111. Babu BORODA PROSAD DEY: Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement showing—

(*i*) the estimated and the actual income from each of the three new taxes imposed during the period of the first Reformed Council; and

(*ii*) the amounts retrenched by the Government during the last three years in the different departments, either of its own motion, or in terms of the report of the Bengal Retrenchment Committee?

The Hon'ble Mr. J. DONALD: (*i*) From the Amusements Tax—

1922-23: *Estimate* Rs. 30,00,000; *Actuals* Rs. 25,11,000.

1923-24: *Estimate* Rs. 30,00,000; *Actuals* Rs. 32,00,000 (Revised estimate on 10 months' actuals).

It is not possible to say how much of the increased income realised under Stamps or Court-fees since the introduction of the Amendment Acts of 1922 is due to the raising of the fees and how much to the natural growth of revenue or other causes.

			Rs.
(*ii*) 1921-22	...	...	89,00,000
1922-23	...	...	49,00,000
1923-24	...	...	12,78,000

The statement shows Rs. 32,00,000 as the revised estimate on 10 months' actuals. These figures will be revised, and I shall give you the correct figures on Tuesday next.

Recruitment in Provincial Judicial Service.

112. Mr. P. N. GUHA: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state the exact number of lawyers enrolled as candidates for the posts of Munsifs?

(*b*) Is it a fact that no one has been enrolled during the last two years? If so, why?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The number of lawyers whose names now stand on the list of enrolled candidates is 95; but most of these have attained the age of 29.

(*b*) Yes. The reason is that there is no possibility (as the cadre of the service now stands) of making further appointments at present. Besides, the candidates already enrolled, there are a number of gentlemen who have actually officiated as Munsifs, awaiting employment. In some cases more than a year has elapsed since they held their last posts.

Audit of the accounts of Criminal Investigation Department.

113. Maulvi WAHED HOSSAIN: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the accounts of the Criminal Intelligence Department and its branches are audited annually?

(*b*) If so, when were last year's accounts audited?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) The accounts of the Criminal Investigation Department to which the member presumably refers, are, in common with other Departmental accounts, not audited periodically, but are subject to local audit by the Accountant-General at such time as he may select, under Finance Department Memorandum No. 313 F., dated the 10th January, 1924, a copy of which is laid on the table.

(*b*) The Accounts of the Criminal Investigation Department, which were separated from those of the Inspector-General of Police in February, 1923, have not come under audit since that date.

Memorandum by the Government of Bengal, Finance Department (Finance), No. 313 F., dated the 10th January, 1924, referred to in the reply to clause (a) of unstarred question No. 113.

A recent inspection of the accounts of some of the local officers and institutions in Calcutta has disclosed the existence of serious irregularities leading to defalcation of public money. The Auditor-General in India is of opinion that these simultaneous and important frauds indicate a general laxity of control over the internal accounts of important offices and institutions in this Presidency and he has emphasised the necessity for closer control as well by the administrative as by the executive authorities. At the same time the nature of the frauds in many cases precluded detection by the Central Audit Office, which, of necessity, proceeds on the assumption that an efficient check is maintained by local officers.

2. The Accountant-General, Bengal, has accordingly been authorised to institute a local audit of the accounts of such offices and institutions as he may himself from time to time select. It should be impressed strongly upon the heads of offices subordinate to all departments of Government that the object of the audit is to afford them assistance by bringing to their notice irregularities which they have not themselves been able to detect and that the full results of such local audit can only be obtained if the heads of offices cordially co-operate with the Accountant-General, Bengal's inspecting staff.

3. It must be clearly understood, however, that the introduction of an occasional intensive local audit in no way lessens the responsibility of departmental and local officers for the proper checking of receipts and controlling of expenditure. They will, as hitherto, be responsible for the proper maintenance of their accounts and of those of the officers subordinate to them; any they will be held personally liable for any laxity that may be brought to notice.

A. MARR,

Secretary to the Government of Bengal.

Excise policy.

114. Maulvi ABDUR RASHID KHAN: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be

pleased to state the policy of the Government towards temperance and lay on the table a statement showing year by year, during the last five years—

(*i*) the number of country liquor shops;

(*ii*) the number of imported liquor shops; and

(*iii*) the number of opium, ganja and bhang shops; and

(*iv*) the revenue derived from each of them?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: The member is referred to my speech on the general discussion of the budget estimate for 1924-25.

(*i*) to (*iii*) A statement furnishing the information asked for is placed on the table.

(*iv*) There are about 6,000 shops. The task of collecting the information asked for would be almost impossible and the labour involved in doing so would certainly be incommensurate with the value of the information when obtained.

Statement of number of excise shops during the years 1918-19 to 1922-23 asked for in clauses (i), (ii) and (iii) of unstarred question No. 114.

—	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.
	Number of shops.	Number of shops.	Number of shops.	Number of shops	Number of shops.
Country liquor	3,006	2,969	2,983	2,851	2,733
Imported liquor ..	602	597	727	810	778
Opium	820	828	835	820	824
Ganja	1,265	1,263	1,267	1,206	1,184
Bhang	239	249	261	266	266

Recruitment in Provincial Judicial Service.

115. Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state when the new scheme for the recruitment in the Provincial Judicial Service will be published?

(*b*) Is it a fact that no recruitment will be made till the new scheme is published?

(*c*) If so, will the Hon'ble the Member be pleased to state whether the time of suspension of recruitment will be excluded from the age-limit?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) It is not possible to say at present.

(*b*) Probably not, for reasons given to-day in my answer to Mr. Guha's question on the subject.

(*c*) It is under consideration how far this will be possible.

North Bengal Floods.

116. Dr. J. M. DAS GUPTA: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether he is aware—

(*i*) that during the last two floods in North Bengal, in the areas between the Sara-Sirajgunj Railway line and the Santahar-Bogra line, the flood level did not subside sufficiently rapidly on account of want of sufficient waterway through the Sirajganj line, and

(*ii*) that the same cause has produced a diminution in the out-put of agricultural produce, particularly of the rabi crops in the said area?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of providing additional waterways through the Sara-Sirajganj Railway line?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) (*i*) Yes, but it is not correct that the slow subsidence of the flood is entirely due to insufficient railway openings.

(*ii*) No, beyond the immediate diminution caused by the floods.

(*b*) Yes.

Old Scheme Madrassahs.

117. Maulvi ABDUR RASHID KHAN: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is a fact that the policy of the Government is to compel the Old Scheme Madrassahs to accept the Reformed Madrassah Scheme?

(*b*) Is it a fact that the District and Divisional heads of the Education Department are systematically objecting to any aid being given to the Old Scheme Madrassahs either from Provincial or from Local Funds?

(*c*) Is it a fact that practically in some districts no grants-in-aid are being paid to the Old Scheme Madrassahs?

MINISTER in charge of DEPARTMENT of EDUCATION (The Hon'ble Maulvi A. K. Fazl-ul Huq): (*a*), (*b*) and (*c*) The Reformed Madrassah Scheme was introduced in the year 1914 after mature

deliberation and the policy then adopted has proved on the whole to have worked well. It is not wise therefore to grant aid to the Old Scheme Madrassahs; for it has become evident that any help given to an Old Scheme Madrassah correspondingly injures a New Scheme Madrassah. Consequently Government assistance has been limited to the Reformed Madrassahs.

Cess revaluation in Bankura.

118. Babu ANILBARAN RAY: (*a*) Is the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) aware that the cess revaluation operations that are at present going on in the district of Bankura are causing dissatisfaction in the district as the cess to be paid in connection with landed property is being increased and that in some cases it has been raised five times, ten times and sometimes even higher?

(*b*) Is the Hon'ble the Member aware that the assessment on *Khas* lands of tenure-holders and zamindars is not being made according to the settled Land Revenue Policy as the annual value is being computed on the basis of the gross produce and not on the money rent which might reasonably be expected to be paid if they were let out to tenants?

(*c*) Will the Hon'ble the Member be pleased to ascertain and state the letting value fixed by the Settlement Department for different kinds of land in the district of Bankura and also the value fixed for the same for cess revaluation?

(*d*) If there be any discrepancy between the two, what action, if any, are the Government taking in the matter?

(*e*) Is the Hon'ble the Member aware that many cultivating *raiyats* are being wrongly treated as tenure-holders and are thus being made to pay cess on the annual value of their lands by virtue of a note under section 24 of the Bengal Cess Act made by the Board of Revenue?

(*f*) If so, are the Government considering the desirability of modifying the same?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes; after local inspection instructions have, however, been issued by the Board of Revenue for revising the present system of valuation adopted and the excessive enhancement mentioned will be reduced.

(*b*) In the district of Bankura *khas* lands of proprietors and tenure-holders are ordinarily let out on produce rent. Consequently the annual value of such lands has ordinarily been assessed on a produce rent basis. Where *khas* lands are let out on cash rent, or where the proprietor or tenure-holder can show that the ordinary procedure in his estate or

tenure is to let out *khas* lands on a cash rent, the assessment is made there on a cash rent basis.

(*c*) No letting value has been fixed by the Settlement Department for the various classes of land in the district.

(*d*) The question does not arise.

(*e*) In certain cases of hardship tenants who would be treated as cess tenure-holders, on a strict interpretation of the note to section 24 of the Cess Act, are now as a result of the inspection being assessed as cess raiyats.

(*f*) No.

Babu ANILBARAN RAY: Will the Hon'ble Member be pleased to mention any district except Bankura where the settled land revenue policy of Government has been unsettled, as in the case of Bankura, and the annual value of the land has been assessed on a reasonable basis?

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): This seems like to be a new question. I did not catch the whole of it. Does it arise out of your question?

Babu ANILBARAN RAY: Yes.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: So far as I am aware, it has been started in Dacca.

Appointment of honorary magistrates in Calcutta, Alipore, and Sealdah.

119. Mr. ASHINY COOMAR BANERJEE: (*a*) Will the Hon'ble the Member in charge of the Judicial Department kindly state the principle underlying the appointment of honorary Magistrates in Calcutta, Alipore, and Sealdah?

(*b*) In appointing an honorary Magistrate, is the Hon'ble the Member guided by the recommendation of the Commissioner of Police or of the Chief Presidency or any other Magistrate, or does he make any independent inquiry as to the antecedents of the candidate?

(*c*) Is it a fact that some of the appointments are extremely unpoular with the legal profession as also with the public?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Education, social position and willingness to perform the duties of the office.

(*b*) The Commissioner of Police is not consulted. Recommendations are made by the Chief Presidency Magistrate for Calcutta and by the

District Magistrate and Divisional Commissioner for Alipore and Sealdah. Independent inquiries are also made when considered necessary.

(c) Government have no information.

Excise revenue.

120. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing the incidence of taxation (taking into account all kinds of taxes such as license, fees, duty etc.)—

(*i*) per gallon of country spirit;
(*ii*) per seer of ganja; and
(*iii*) per seer of opium;

in the Province of Bengal, with reference to the excise revenue realised in the Province under those heads in 1922-23 or, if all the figures for that year are not available as yet, in 1921-22?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: A statement showing the information asked for, for the year 1922-23, is laid on the table.

Statement referred to in the reply to unstarred question No. 120, showing the incidence of taxation (i) per gallon of country spirit, (ii) per seer of ganja, and (iii) per seer of opium during the year 1922-23.

Province.	Year.	INCIDENCE OF TAXATION PER		
		L. P. gallon of country spirit.	Seer of ganja.	Seer of opium.
		Rs.	Rs.	Rs.
Bengal ..	1922-23.	15·8	55·8	79

Consumption of liquor, hemp drugs and opium.

121. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing for the years 1919-20 and 1922-23 the total consumption of—

(*a*) country liquor,
(*b*) foreign liquor,
(*c*) hemp drugs, and
(*d*) opium,

in Bengal?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: A statement showing the information asked for is laid on the table.

Statement referred to in the reply to unstarred question No. 121, showing the total consumption of country spirit, foreign liquor, hemp drugs and opium during the years 1919-20 and 1922-23.

Province.	Year.	TOTAL CONSUMPTION OF						
		Country spirit.	Opium.	Ganja.	Siddhi.	Charas.	FOREIGN LIQUOR.	
							Other than commercial.	Commercial.
		L. P. gallons.	Seers.	Seers.	Seers.	Seers.	Imperial gallons.	Imperial gallons.
Bengal ..	1919-20	755,285	41,525	82,086	28,979	1,152	495,145	256,870
Bengal ..	1922-23	593,356	40,256	63,541	17,986	1,281	461,571	249,980

Headquarters of the Noakhali district.

122. Maulvi SAYEDAL HOQUE: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether any necessity has arisen for the removal of the town of Noakhali from its present site?

(*b*) If so, where will the town headquarters be located?

(*c*) If there is no present necessity for the removal of the town, will the Hon'ble the Member be pleased to state the reasons for the selection of another site?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Attention is invited to Government Resolution No. 2755P. of 14th February, 1922, a copy of which is laid on the table.

(*c*) Attention is invited to the reply given on 27th February, 1924, to Council question No. 97(*b*).

Resolution by the Government of Bengal, Political Department (Political), No. 2755 P., dated the 14th February, 1922, referred to in the reply to clause (c) of unstarred question No. 122.

READ—

The report of the committee appointed by the Government of Bengal to advise on the question of a suitable site for the new headquarters of the Noakhali district in the event of the deluvion of the existing Government buildings.

The erosion of the town of Noakhali has been engaging the attention of Government for a considerable time. The policy followed has been to retain the headquarters of the district at Noakhali as long as it is possible to do so, and at the same time, pending more definite developments, to provide the

safeguard of a temporary provision which would enable the administration of the district to be carried on should existing public buildings disappear. Accordingly certain temporary buildings were constructed to replace those washed away, and land was acquired in 1920 at Maijdi in the vicinity of Noakhali with a view to combining the use of the buildings left at Noakhali with temporary ones to be constructed, when required, on this site. Owing to the continued erosion, a decision has now to be come to as to the future headquarters of the district should the abandonment of the existing town become unavoidable, and, in view of the divergent opinions expressed on the question of a suitable new site, the Governor in Council considered it desirable that a public enquiry should be made by a small committee composed of officials and non-officials before whom all sections of the community could represent their views. A committee consisting of the following members was therefore appointed:—

(1) The Commissioner of the Chittagong Division, *President*,

(2) The Collector of Noakhali.

(3) The Superintending Engineer, Eastern Circle,

(4) Babu Annada Charan Dutt, M.L.C.,

(5) Khan Sahib Bazlul Haq,

(6) Rai Raj Kumar Dutt Bahadur,

(7) Babu Karuna Chandra Das,

(8) Maulvi Majibal Haidar Chaudhuri,

to advise where the new headquarters of the district could be located to the best advantage, assuming its construction to be necessary.

The report of the committee which has been received has been carefully considered, and the Governor in Council has decided to accept the recommendation made therein that the new headquarters of the district should be located at the site already acquired at Maijdi. Steps are being taken for the preparation of a project estimate for raising the site and the construction of the buildings most urgently required.

ORDERED that this resolution together with the report of the committee be published in the *Calcutta Gazette* for general information.

By order of the Governor in Council,

H. L. STEPHENSON,

Chief Secretary to the Government of Bengal.

Agricultural Chemist.

123. Babu SAILAJA NATH ROY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what work has been or is being done by the Agricultural Chemist?

(*b*) Will the Hon'ble the Minister be pleased to state the special qualifications possessed by the present Agricultural Chemist on account of which he has been appointed to the post?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (a) The member is referred to the Annual Reports of the Agricultural Department, Bengal.

(b) The present Agricultural Chemist, Mr. M. Carbery, holds the degrees of M.A. and B.Sc. of St. Andrews University with honours in three subjects, viz., Chemistry, Physics and Mathematics. He is also a Companion of the Distinguished Service Order and has been awarded the Military Cross for services in the war. After the war he spent a year at Manchester University for revision and research work in Chemistry.

NON-OFFICIAL MEMBER'S BILL.

The Calcutta Rent (Amendment) Bill, 1924.

Mr. C. S. DUTT: In the absence of the Hon'ble Maulvi A. K. Fazlul Huq, the Chairman of the Select Committee, I beg to present the report of the Select Committee on the Calcutta Rent (Amendment) Bill, 1924, before this House.

Dr. H. W. B. MORENO: I beg leave to move that the Report of the Calcutta Rent (Amendment) Bill, 1924, be taken into consideration. The Bill itself has evoked so much discussion both inside and outside the House, that its passage through the House reminds me of a story of the ugly ducklings, Aesop's fables, which all the other ducks wanted to reject, but which eventually turned out to be a beautiful swan. I hope this ugly duckling, which is now being criticised and rejected on all sides, will eventually turn out to be a beautiful swan so far as the tenants of Calcutta are concerned. So far as the Bill itself is concerned, I understand there have been penned several notes of dissent. In addition there are embodied with the Bill amendments which will shortly come up for consideration before this Council; I will deal with each as it comes up for consideration. One of the particular points raised in the Select Committee was that the position of middlemen had to be considered. On the ruling, Mr. President, that such discussion was beyond the scope of the Bill, the question was laid aside when the Committee sat. Briefly, the findings of the Committee are these: That the Rent Act shall be extended for another year, that is after the 31st March, 1924, and that the scope of the Bill shall be limited to premises carrying rents of Rs. 150 a month only. Against these provisions there have been several notes of dissent, apart from the note of dissent regarding middlemen which I have referred to before. Some claim that the Act should be extended for 3 years, another that it should be extended for two years, and still others that it should be extended for one year only. Then so far as the limitation of the Rent Act to premises carrying a certain rental only, the Select Committee have come to the conclusion that only premises carrying a rent

of Rs. 150 should be affected. Some of the members of the Committee have suggested that there should be no limitation at all, that the Act should apply, as in the past, to all premises in Calcutta. I, for one, should be very pleased to see the Act apply to all premises in Calcutta. Failing that, however, there are my amendments before the House, that the Rent Act should apply to premises carrying a rent of Rs. 250 a month, and if that be not carried, that it should apply to premises carrying Rs. 200 a month. Then as regards the question of adjudicating standard rent, there is practically a consensus of opinion on that point that the Rent Act which should be extended only for one year, should not allow the landlord a further 5 per cent. increase, for that would lead to a good deal of litigation and all in the course of 12 months. In fixing the standard rent, taking the 1st of November, 1918, as the date fixed by the original Act, no further increase should be allowed if the Act be extended for one year only. On the other hand, the Select Committee thought fit to come to the conclusion that the percentage should be somewhat increased, that is by granting a further 5 per cent. When the matter was considered by the Committee regarding this further 5 per cent. increase, it was decided, 4 voting for and 4 against it, by the casting vote of the Chairman; so that the question of a 5 per cent. increase did not meet with the unanimous approval of the Committee, there were dissentients. The amendments now before the House will carry out most of the suggestions made by the dissenting members of the Committee, and it is not my purpose to discuss them now. Later when they are moved, they will be discussed by me and others. Meanwhile I move, Sir, that the report of the Select Committee be taken into consideration.

Mr. C. S. DUTT: In the unavoidable absence of the Hon'ble Maulvi A. K. Fazl-ul Huq, who is the Minister in charge of the Local Self-Government Department, for the purpose of this Bill, it has fallen upon me to explain the attitude of Government with regard to it, and I shall do so in as few words as possible. I may say once for all that Government adhere to the position which they took up last month that they are opposed to the general principle of extending rent control beyond the 31st March, 1924. The attitude of Government has been misunderstood. It has been said that Government are actuated by a pro-landlord spirit. I propose on behalf of Government to narrate very briefly the history of this matter to show that the attitude of Government, from the very beginning up to this time, has been neither pro-landlord nor anti-landlord, neither pro-tenant nor anti-tenant, but that it has been a simple, consistent and reasonable attitude —the only attitude which they could possibly have taken up.

Now let us recall the circumstances under which rent control was introduced in Calcutta. It was in March, 1920, when the Hon'ble the Maharajadhiraja Bahadur of Burdwan introduced a Bill to "*temporarily*

restrict the increase of rents in Calcutta." He stated that this was necessitated by the abnormal situation which existed at that time as a consequence of the war and this situation he described under 3 heads, namely,—

(i) that building operations had been restricted to a minimum during the war,

(ii) that there had been an unusual and most extraordinary land boom, and

(iii) that wild and reckless speculation was rife,

and Government considered it necessary to introduce a me rarily to restrict, control and limit the rise of rents in Calcutta so as to afford *temporary* relief to the general public during the "transitional period which would elapse until these abnormal conditions disappeared."

Now, this abnormal situation consisted of three circumstances, I have mentioned, namely, the restriction of building operations to a minimum during the war, the land boom which was then prevailing and the wild and reckless speculation which was then prevalent, and the promise given then was that this was essentially a temporary measure designed to last so long as this abnormal condition lasted. The situation was reviewed by the Hon'ble Sir Surendra Nath Banerjea last year in this Council in February, 1923, and the position he took up then was that the abnormal situation which existed in 1920 no longer existed; that the situation in February, 1923, was approaching the normal and that any further continuance of rent control would be unjustifiable; not only so, but that it would be actually harmful to have an extension of the Rent Act on the Statute Book, and he further stated that looking at it from the point of view he placed before the Council, they must come to the conclusion that the continuance of the Rent Act in the interest of the poor ratepayers was hardly justifiable. That was the position which Sir Surendra Nath Banerjea took up in February 1923. Now let us consider the situation as it now exists and which was explained at considerable length by the Hon'ble Mr. Fazl-ul Huq last month. I shall only refer to it very briefly. Let us see if any of the three conditions now prevails. The first condition is the restriction of building operations; secondly, the land boom; and thirdly, the wild and reckless speculation in land and houses. I am sure this Council will admit that Government are right in thinking that neither of these three conditions exists. Therefore, Government have come to the conclusion that the abnormal situation which existed in 1920 does certainly not exist now. If it did not exist when Sir Surendra Nath Banerjea spoke last year in February, 1923, it certainly does not exist now. It is not necessary for me to show in detail how it does not exist: the facts are before the Council: they were stated in detail by the Hon'ble Mr. Fazl-ul Huq and several other speakers last month. I shall now content myself by simply saying that this is the view that Government take in this matter. The considerations which prevailed——

Mr. PRESIDENT: We are now considering the question that the report of the Select Committee be taken into consideration. You appear to be discussing the merits of the whole question, namely, whether the Bill should be passed into law or not. I think your observations will be more appropriate when the motion comes up for passing the Bill. The question now before us is whether the report of the Select Committee should be taken into consideration or not.

Mr. C. S. DUTT: I stand corrected and I accept your ruling. What I want to say is that Government do not oppose the motion for taking into consideration the report of the Select Committee, but Government will oppose the passing of the Bill. Government wish that their views should be placed before the Council and I should like to have an opportunity given to me of doing so.

Mr. PRESIDENT: Of course, you will have an opportunity at the proper time.

Babu SARAT CHANDRA BASU: I must express my thanks to Mr. Dutt for kindly explaining to us the reasons which led Government to introduce the Bill originally.

Mr. PRESIDENT: It is all on record.

Babu SARAT CHANDRA BASU: At the very outset I must submit, Sir, that I do not hold any brief for any party, either for the landlord or for the tenant, as I neither hire out any houses in Calcutta nor do I hire in any; I live in my own little cottage. Mr. President, what strikes me most is this. I was not a member of the old Council and really I feel surprised that an Act like this could be passed by this House.

Mr. PRESIDENT: I am afraid you are falling exactly into the same pit as Mr. Dutt. If you are opposed to the Bill you are at liberty to make your speech at the end. The question now is whether the report of the Select Committee should be taken into consideration. Have you any objection to that?

Babu SARAT CHANDRA BASU: Am I to understand that the discussion on the Bill will come later on?

Mr. PRESIDENT: You will have ample opportunity later on. If you have any reasons to advance on the matter under discussion, you can do so now.

Babu SARAT CHANDRA BASU: My arguments are directed against the Bill itself, so I reserve them for the present.

Mr. J. CAMPBELL FORRESTER: I do not know what is our position now. Are we considering the amendments now?

Mr. PRESIDENT: I shall put the Bill clause by clause, and then upon each clause the amendments will be moved.

Dr. H. W. B. MORENO: In view of your ruling, Sir, I do not propose to say anything more.

The motion that the report of the Select Committee on the Calcutta Rent (Amendment) Bill, 1924, be taken into consideration was then put and agreed to.

CLAUSE 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Dr. H. W. B. MORENO: I move that in clause 2 (*1*), line 4, for the figures "1925" the figures "1927" be substituted, that is, the Act instead of running for one year, should be extended for three years. I desire, in this connection, to advance only one or two cogent arguments in support of my contention. In moving that the Act be extended for another three years and I hold that so far as the middle classes of Bengal or Calcutta are concerned, there is a need for a protecting Act and that the protecting Act should continue for some years in the near future. The equilibrium may or may not have been reached so far as houses in the more affluent localities are concerned, but so far as the middle classes including Indians and Anglo-Indians, are concerned there is a distinct need for some such provision, for there the equilibrium has not been reached between supply and demand. In support of my contention, I would cite the Report of the Calcutta Housing and Communications Committee which published its report towards the end of the year 1923. The Report has this telling sentence on page 2, paragraph 6:—

> "The pressure of accommodation still remains, especially in the case of the middle classes while the ability to pay has now become a far more prominent feature of the problem than it was three years ago."

This goes to show there is real need for some protecting Act, inasmuch as the houses for the middle classes are insufficient for the tenants, who are in dire need of some housing accommodation. When the Government appointed such a Committee to go into the whole matter, the Committee studied the whole question and gave its views—and what are

its views? The Committee has said that there was need for opening out suburban areas: there was need for extending the tramways: there was need for getting the railways round about Calcutta electrified in order that the people might be able to go to other areas near by and find accommodation for themselves. All these seem right and proper decisions to come to; but we realise that all these things are not done in a day. These are the mere findings of a committee, and we know that the mere findings of a committee cannot solve a problem, actual work has to be done. If the Act is extended to 1925 or if it expires, as it is expected to on the 31st March, 1924, what will be the position of the middle-class tenants in Calcutta? They will be told that there is a possibility of opening out the suburban areas, of the tramways being extended, but nothing at all will be done for them for the present. Meanwhile, what are they to do? We are asked to hope for the future, there is nothing for the present. Now I do not think that these good things promised will come into being in the course of a year. You will require considerable time to have your tramways extended or your suburban areas opened. Work has to be commenced, areas have to be built upon. All sorts of facilities have to be provided and then these humble tenants will have some chance of finding accommodation elsewhere. Improvements cannot be expected to be accomplished in the course of a year. Therefore, if you allow a three years' limit, you will certainly be able to accomplish much of what is promised; and then there will be no further need for a protecting Act.

I further intend, if nobody else intends in this Council, to move in the July session for the removal of some of the anomalies and defects in the Bill. There are anomalies and defects, especially the defect which allows middlemen to come in like land sharks and swallow all the profits both at the expense of the landlord and tenant. I recognise that these are defects that should be removed from the Act.

Mr. PRESIDENT: You need not go into all these matters. What you are moving now is the substitution of the figures "1927" for the figures "1925." You are not in order when you wander into the question of middlemen.

Dr. H. W. B. MORENO: My point is that I intend in the July session to bring another Amending Bill to remedy these defects. If this Act is extended for one year only there will be scarcely time enough for the people to enjoy the benefits of the Bill. If this Amending Bill be introduced in the July session, the consideration of the Bill will occupy the Council for a month or two more. That means that these defects will be remedied by about October or November next, therefore the benefits of the Bill will be enjoyed by the tenants only for three or four months. For these reasons I desire to see the Act extended for at least three years. It is very difficult to come to this Council later on and

ask for a three years further limit, as the critics are sure to pounce upon the argument that the Act has been extended for one year only and there is no need for a further three years. If I do bring an Amending Bill and have the anomalies and defects removed, would this Council like that it should be asked year after year for an extension of the Act for a year more and for another year and so on? That will be a very bad course to pursue. If you are going to give protection, limit it for a definite period and be done with it. As to the other defects, they can be remedied in due course. In London the Government there has agreed to extend the Act till 1928, and the case of London is on all fours with the case of Calcutta. The Bombay Act has been extended up to 1925, but there is already an agitation on foot for a further extension. I wish to avoid all these future anxieties so far as Calcutta is concerned. I move then that this Act be extended up to 1927 so that the middle classes and, especially the Anglo-Indian middle classes may find some relief. I speak specially for the middle classes that the Act should be extended for three years by which time I hope that these suburban areas will be opened out, better housing accommodation will be provided, and there will be no further need for the extension of this Act.

Babu MANMATHA NATH ROY being absent, the following motion standing in his name was deemed to be withdrawn:—

"That in clause 2 (*1*), line 4, for the figures '1925' the figures '1926' be substituted."

Babu DEBI PROSAD KHAITAN: I rise to oppose the amendment moved by Dr. Moreno. The strength of his argument is quite clear from the fact that Maulvi Wahed Hossain who had a similar amendment has not moved it and Babu Manmatha Nath Roy who was to have moved an amendment to substitute the figure "1926" in place of the figure "1925" has not come forward to move his amendment. So far as the intrinsic merits of the arguments advanced by Dr. Moreno are concerned, it comes to this—that this House should extend the Act for another three years in order that my friend, Dr. Moreno, may have another legislative flourish in the month of July and move another Bill and show that he is a very good legislator. If this Act is extended only for one year, he fears that in July this House will tell him that there is no need for any further amendment of the Calcutta Rent Act because this Act would come to an end in March next, and therefore this House was not prepared to waste its valuable time to consider another long Amending Bill in order to get rid of intrinsic defects in the existing Act which are admitted by the mover of this amendment. I do not want to anticipate the arguments which Mr. G. S. Dutt has promised to advance to oppose the enactment of sub-clause (*1*) of clause 2 of the Bill. He has already given notice that he is opposed to any further extension of the Calcutta

Rent Act. Dr. Moreno has advanced nothing but *argumentum ad misericordiam* using the adjective "poor" always with the noun "tenant," and he seems to think that by simply calling tenants poor it is sufficient that this Act should be extended for a period of three years and he wants to convince this House that the circumstances are so extraordinary that the tenants must be protected in an extroordinary manner for a period of three years. Sir, if tenants are poor consumers are also poor. In fact, at least 90 per cent. of the inhabitants of this country are poor, but what legislation has been passed in order to keep down the prices of food-grains, and what is the reason that the price of wheat, the price of rice, the price of cloth and the price of other consumable articles has come down so immensely that the people find that they are much better off in the year 1924 than they were in the year 1920 as regards consumable articles? Sir, I fear that Dr. Moreno is making a great mistake as regards the application of the economic principles and seems to think that rent stands on a different category from the price of food-grains and the price of other commodities in the country. Just as the scarcity of currency has a bearing on the prices of other commodities, so also in the case of rent they are inalienably connected with the prices of other commodities all of which tend to show that the purchasing power of the rupee has risen, and, therefore, rents must remain low so long as the purchasing power of the rupee remains up. Dr. Moreno has not for a moment suggested that the purchasing power of the rupee has not gone up. In fact, he knows perfectly well that in the circumstances that exist at present, the purchasing power of the rupee is so high that rents cannot rise abnormally high, and especially the circumstances that prevailed in the year 1920 which induced the Hon'ble the Maharajadhiraja Bahadur of Burdwan to introduce an extraordinary law for the protection of a certain section of the people no longer exist, and nobody will be benefited by a further extension of this extraordinary measure. In the circumstances, I am opposed to any further extension of the Act beyond the year 1925, and I am even opposed to an extension of the Act up to 31st March, 1925, but in view of the fact that as a matter of compromise the figure "1925" has been accepted by the members of the Select Committee, I am not prepared to throw off the compromise if it suits the taste of the Members of this House. When I opposed the introduction of this Bill, I had the opportunity to criticise and advance my arguments against a further extension of the Act. Sir, at that time my arguments were criticised as smacking of capitalism. Capitalism is supposed to be a word sufficient to condemn a man unheard and without further arguments, but I am not ashamed of the word capitalism because I know perfectly well the relative value both of capital and of labour, and I know very well the difference that exists between capital and labour and it ought to be known to each member of this House that labour cannot thrive unless

and until capital is allowed to have its full sway. In these circumstances, although I am not inclined to be unduly indulgent towards the capitalists, still I am in favour, when no extraordinary circumstances exist, of allowing economic principles to have their full sway. I do not, therefore, think that it is desirable or expedient or necessary for the protection of any section of the people that this Act should be further extended.

Babu SURENDRA NATH RAY: I was one of the members of the Select Committee. I think the arguments advanced by my friend, Dr. Moreno, are not such that the Council ought to be prepared to upset the findings of the Select Committee. The Bill has been introduced with the ostensible object of protecting the poor. I say if you want to pass any law for the benefit of the poor, you will have our whole-hearted support, but if in the name of protecting the poor, you want to include the rich, you cannot have our sympathy. Those who live in houses the rent of which is Rs. 100 are of course poor men, whether they are Hindus, Muhammadans, Eurasians——

Mr. HUSEYN SHAHEED SUHRAWARDY: May I rise to a point of order? The hon'ble member seems to be rambling from the amendment before the House.

Mr. PRESIDENT: The question before the House is whether the figure "1927" should be substituted for the figure "1925." I was waiting to see where Babu Surendra Nath Ray's argument was leading to.

Babu SURENDRANATH RAY: I really do not understand why it should be extended up to the year 1927. We all members of the Select Committee came to the conclusion that it should be extended for one year only.

Dr. H. W. B. MORENO: May I correct the speaker? He says "we, all members of the Select Committee, came to the conclusion" but he should have said that there were members who differed.

Babu SURENDRA NATH RAY: I say most of us. I really do not understand what benefit my friend will gain by extending the Act up to 1927. Does he think that in the course of the next 3 years a very large number of houses will be built wherein the middle class people will find sufficient accommodation? I do not think so. In fact, I have heard that the enactment of the Rent Act has put a stop to the building of many houses. The landlords who thought of building houses are not building them. If that be so I think the amendment proposed by Dr. Moreno ought not to be accepted.

Mr. J. CAMPBELL FORRESTER: I should exceedingly like to see the three years extension agreed to as proposed by Dr. Moreno but I fear, Sir, there is a great possibility of losing the intention of the Act entirely if we agree to such a course. I can see the landlord's side of this question as well as the tenant's and while sub-letting remains a part of the Bill it would be a grave injustice to extend the Act in its present form for three years. With the object of endeavouring to gain the sympathy of landlords so that the anomalies of the Bill may be corrected within one year, I have therefore modified my amendments to one year and I trust Dr. Moreno will see his way to withdraw his amendment so that he will not jeopardise the extension of the Act. I do it because the majority of the members of the Select Committee agreed to one year and it is no use saying that there were many against it. We are ruled by majorities and the majority agreed to one year and there is the great possibility of the Bill being thrown out entirely if the three years is pressed for, therefore I think it would be undiplomatic to urge the House to vote for this as in that case when we come to the 15 per cent. increase to landlords they will then make a strenuous fight.

Mr. PROVASH CHUNDER MITTER: I am really sorry to find that Dr. Moreno has not accepted the suggestion of Mr. Forrester. As he has not chosen to accept the suggestion, I am afraid I must oppose Dr. Moreno's motion and that for the following reasons:

The Act is admittedly defective. The Act admittedly interferes with the ordinary contractual rights of parties and therefore it would not be right to extend it beyond what is absolutely necessary. If the situation continues to be such as to justify extension it will be open to Dr. Moreno or to any other member of the House to move for its extension later on. On the other hand a good deal of mischief will be done if it be extended now by three years. The admitted defects of the Act as also the real remedy will be lost sight of. As I pleaded on another occasion in this House that if we wanted to remove the difficulties of the tenants we could effectively do so not by tinkering legislative measures of this kind but by tackling the problem on the basis of the law of supply and demand—by making the supply easier and cheaper than it is at the present moment. After all it is the law of supply and demand which must settle problems of this kind. Although it may be necessary at times to deviate from that law but if we deviate from it for a considerable time and without pressing need, it will, like the boomerang be hurled back on us. I really am unable to follow Dr. Moreno's reasons. He says he wants to introduce his new and improved Bill in July and therefore the present defective Act should be extended for three years. If he is going to bring in another and better Bill in July then why extend the present Act for three years? Bring in a better Bill and if the House approves of that Bill it may be kept in force for one, two or three years if necessary. Therefore, as this is

admittedly a Bill introduced in a hurry—Dr. Moreno himself states that his own Bill is defective—I hope Dr. Moreno will withdraw his motion.

Mr. C. S. DUTT: Government oppose the extension of the Act for three years for two reasons. One is, as I have already stated, that Government are convinced that any extension of rent control would be injurious to tenants as well as to landlords; and secondly, that abnormal conditions, which justified rent control, have practically ceased to exist. The only way in which the interest of tenants can be served is to allow supply and demand to adjust themselves. The reason given for the extension of the Act for three years assumes that in three years' time the suburbs will be developed and it also assumes that rent control was introduced for the purpose of giving protection to a certain class of people until the suburbs of Calcutta were developed. I have already stated that these were not the reasons for which rent control was introduced. It was introduced to meet abnormal situation created by the war. If you are to wait till the suburbs of Calcutta are developed you will have to wait not for three years but for 30 years. Therefore, your asking for an extension for three years is not consistent with the realities of the situation. There is nothing to show that at the end of three years you will not have to come forward to say the same thing for the same reasons because it is practically certain that the suburbs of Calcutta will not be developed in the course of that period. Therefore, Government, consistent with the attitude they have always taken up, oppose rent control in any shape or form for a further period of three years.

Mr. HUSEYN SHAHEED SUHRAWARDY: The House did me the honour of asking me to serve on the Select Committee on the Rent Act. I attended the meetings but owing to my absence from Calcutta for various reasons which I need not go into here, I was unable to sign the Report of the Select Committee; but even if I had done so it would have been worse than useless, because I disagree entirely with all the clauses that have been suggested by the Select Committee. On this particular point I endorse heartily the amendment which has been moved by Dr. Moreno. I am glad that I had an opportunity of hearing Mr. Khaitan. It is true that no legislation has yet been undertaken to control the prices of cotton goods or rice and grain, but a time may come when on account of the depredations of certain gentlemen who go about the country cornering rice and grain repressive or restrictive legislation may have to be taken in the same manner as in the matter of rents. I feel certain that this House will again desire to extend the time for a further period if we limit the Act only to one year. We feel absolutely certain that one year will hardly make any difference in the law of supply and demand in Calcutta and instead therefore of continually coming before this House with amendments year after year it

will certainly be more suitable if we fixed a definite period of three years. The landlord will know exactly where he stands and so will the tenant. It may even give an opportunity to Mr. Campbell Forrester to come forward with his legislative flourish or to Mr. Khaitan and other landlords to come forward with their legislative flourishes so that the admitted deficiencies of the Act may be redressed. As a matter of fact if we had it only for one year and the landlords feel that in the meantime they may be able to bring round the Council to their view they will not try to remedy the defects of the Act. If we have three years I do not doubt that even Mr. Mitter may come forward with his own Bill. I therefore support wholeheartedly the amendment of Dr. Moreno.

Babu SARAT CHANDRA BASU: As I was submitting to you I have got no particular inclination for one party or the other, but what strikes me is this: that this is a piece of legislation which ought never to have been undertaken. It is rather curious that the Bill had been introduced originally by the Hon'ble the Maharajadhiraja Bahadur of Burdwan. What strikes me is this: that this Bill and the Act that was passed is a direct encroachment upon the rights of the landholders as given by the Permanent Settlement of the revenues of Bengal. Calcutta came within its purview and I do not think any person has profited more by the Permanent Settlement of the revenues of Bengal than the Hon'ble the Maharajadhiraja Bahadur of Burdwan who is now a Member——

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: It is an incorrect statement, Sir.

Babu SARAT CHANDRA BASU: He is one of the greatest——

Mr. PRESIDENT: We need not go into that.

Babu SARAT CHANDRA BASU: What I mean to say is this: There have been—I am quite sensible and I believe the members of this House are sensible of the fact that there had been—various encroachments on the Permanent Settlement of the revenues of Bengal; and it is high time that either this encroachment should be put a stop to or we should seriously consider whether the Permanent Settlement of the Revenues of Bengal ought to stand any longer.

Mr. PRESIDENT: I am afraid you are again wandering from the point at issue, that is to say, whether we should extend the Rent Act up to 1925 or up to 1927.

Babu SARAT CHANDRA BASU: The Permanent Settlement of Bengal not only effected by the Queen's Proclamation but also there was legislation, that is, Regulation I and Regulation VIII of 1793. These Regulations give absolute power to the holders of lands and to dispose of their property to the best advantage subject to certain restrictions.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Are we discussing the Permanent Settlement, Mr. President?

Mr. PRESIDENT: Sarat Babu, I was becoming so fascinated by your historical survey that I omitted to notice that you had travelled from the subject-matter of the discussion. The sole question is as to whether we should extend the Act to a period of one or three years. The arguments which you are now advancing will apply admirably when you speak against the motion that the Bill be passed.

Babu SARAT CHANDRA BASU: What I mean to say is this: that Permanent Settlement was the work of the Sovereign as well as of the Government of India which also enacted the laws regulating the Contract and the law regulating the Transfer of Property, I mean Act IV of 1882 (India Council Act); and this House, to my mind, has got no power to override or repeal or modify any of the provisions of the Transfer of Property Act or of the Indian Contract Act. The most that this House can do is to send recommendation to the Government of India about the matter so far as Calcutta is concerned. But having got the Indian Contract Act of 1872 and the Transfer of Property Act of 1882 existing and operating in this country and in Calcutta, I do not think that this House will have any legislative power to modify the provisions of any of these Acts. That is my contention. Now in this very House during the last one or two months when we were discussing the Repressive Laws we——

Mr. PRESIDENT: Sarat Babu, will you come to the point at issue? The Transfer of Property Act, the Indian Contract Act, Repressive Laws and such topics have nothing to do with the subject-matter under discussion. If you continue in that way, I am afraid I shall have to request you to resume your seat.

Babu SARAT CHANDRA BASU: I stand corrected, Sir. But what I mean to say is this: that it may not be said hereafter that because we have passed one Bill we have got to pass other Bills. My object in submitting that was to prevent any bad precedent being made. It is no doubt true that the point has never been taken in any court of justice. I was waiting to see whether this point was taken; and unless this matter is judicially determined I do not think we could come to any final conclusion about the matter. But I daresay some such question is sure to come up as it is a point which is apparent on the very face of it which I ask the Hon'ble Member to take into consideration. If we find that it goes in any way contrary to the provisions of the Indian Contract Act and contrary to the provisions of the Transfer of Property Act we ought to withhold our assent.

Mr. PRESIDENT: From beginning to end you have never referred to the subject-matter of the discussion.

Babu SARAT CHANDRA BASU: I wanted, Sir, to lay the axe at the very root.

Mr. PRESIDENT: We are now engaged upon the branches of the tree.

Babu SARAT CHANDRA BASU: I have nothing further to say, Sir.

Mr. H. BARTON: The question is whether the Act should be extended for one year or as Dr. Moreno proposes, for three years, that is up to 1927. I have no desire to waste the time of the House in repeating the arguments already put forward by Mr. Mitter bearing on the many defects in the present Act. In spite of these defects the result of the various meetings held by separate communities of Calcutta shows that tenants would prefer to put up with these defects, rather than have a new Bill at all, for a period of one year at least, and if possible, in the meantime to have these defects remedied. I wish particularly to point out, Sir, that Dr. Moreno and myself are here not in our individual capacities, we are here to carry out the wishes of the community we represent and I am unable to understand what difficulty Dr. Moreno has in submitting to the request to come down to one year when this is the special request of the community which both he and I represent. I would ask Dr. Moreno to again remember that he is here to speak for his people, and to respect their wishes by having the Act extended for one year only.

Dr. H. W. B. MORENO: Replying to the arguments put forward in this Council, I will deal briefly with some of the most important of them.

Mr. Khaitan has twitted me in this Council for having a desire to pose as a great legislator. I can best meet the charge by accepting the title so long as my acts as a legislator are for the benefit of the people. He also accuses me of introducing the word "por" before the word "tenant." As far as I remember I have not done so. I have spoken of the "middle class people" who specially need protection for the time being. He also told the House that there was no Act against profiteering in food-staffs and grain and that, therefore, there should be no Act for rent control. I fail to see the force of this argument. If we cannot thrust back an evil in one direction why are we to be restricted from stopping another evil in an altogether different direction? Then, Sir, there has been a great deal of laboured argument upon the higher purchasing value of the rupee, I am not concerned with such platitudes. I go to real facts. Rents in Calcutta, so far as smaller houses are concerned, are going up daily and any one who cares to go into the question or even to take the trouble of going

through the corespondence published in the papers, will see that there is a real grievance so far as tenants are concerned. This grievance has to be remedied and no amount of perfervid oration can minimise the evil.

Mr. Surendra Nath Ray in dealing with the question has said that new buildings are not coming into being owing to this Act, but he forgets that the Rent Act does not affect houses that are at present being built in Calcutta. They are absolutely free from the control of the Act.

Babu Sarat Chandra Basu spoke a good deal about coming to the point, but unfortunately he never did come to it. His speech reminds me of the story of a young budding lawyer dealing with a case before a Court. He was very anxious to shine as a legal luminary and he began by saying that in the beginning there was law at the time of creation. The Judge agreed with this but said that he would prefer getting nearer to the case. The lawyer next said: "Then, my lord, we come to the Deluge." "Ah!" said the Judge as he heaved a sigh of seeming relief, "we are getting nearer now."

Babu Sarat Chandra Basu began with the Permanent Settlement and spoke very learnedly of the Indian Contract Act and other such Acts and how this proposed Act would violate the provisions of these old established Acts. But if he had taken a little trouble to look up the preamble of this Bill before he put forward his arguments he would have seen that so far as the consent of the Government of India is concerned, the sanction of the Governor-General has already been secured to bring forward this Bill before the House.

As regards Mr. Barton's suggestion, that I do not represent Anglo-Indian views, I give the lie to this by saying that I am giving expression to Anglo-Indian sentiment when I plead for the extension of the Act for three years more, instead of one as contemplated by him and others.

Babu SARAT CHANDRA BASU: On a point of order, Sir. Is Dr. Moreno in order in referring to me a young budding lawyer?

Mr. PRESIDENT: He said nothing of the kind. He was referring to the case of a young budding lawyer by way of illustration.

Dr. H. W. B. MORENO: I was looking for any further argument in favour of limiting this Act for one year only, but so far, I regret to say, I have not found any which could satisfy me. I hold that unless and until adequate accommodation can be found —it may come within the course of three or more years—until that is done the extension of this Act in order to relieve the anxiety of tenants is justified. I, therefore, move that the Act be extended for three years more.

The motion being put a division was taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Barton, Mr. H.
Chakraverti, Babu Jogindra Chandra.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Chaudhury, Maulvi Md. Hurul Huq.
Chuadhury, Maulvi Saiyed Abdur Reb.
Cheinuddin, Khan Bahadur Maulvi Md.
Chunder, Mr. Nirmal Chandra.
Cochran, Mr. A.
Cottle, Mr. J.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
Forrester, Mr. J. Campbell.
Gafur, Maulvi Abdul.
Gordon, Mr. A. D.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hossain, Khan Bahadur Maulvi Musharruf.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Jeardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammed, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Mitra, Babu Satyendra Chandra.
Morene, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Neogi, Babu Monmohan.
Pahlowan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Quadery Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Rose, Mr. C. F.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy, Raja Manilell Singh.
Roy Chaudhuri, Mr. K. C.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalniranjan.
Sarkar, Maulvi Aliah Buksh.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Tarafdar, Maulvi Rajb Uddin.
Travers, Mr. W. L.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Alay, Mr. S. Mahboob.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donevan, Mr. J. T.
Dess, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Emerson, Mr. T.
Parequi, Mr. K. G. M.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Khaitan, Babu Debi Prasad.
Khan, Babu Debendra Lal.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Mitter, Mr. Provash Chunder.
Moberly, Mr. A. N.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.

The Ayes being 70 and the Noes 30, the motion was carried.

Mr. H. BARTON: I move that clause 2 (2) and 2(3) be omitted.

I am unable to understand how any committee appointed specifically for the purpose of meeting out justice could have submitted a report which on the face of it and in every line of it conveys a report of injustice. I take it, Sir, that the view of everyone in this House is that if justice is to be dispensed it must be dispensed equally for all. If you are going to make a dividing line on the grounds of "rich and poor" you are then undoing the very purpose which the House has just now decided by passing the 1st clause, namely, protection to the tenants in the shape of rent control. But in this clause you are going to restrict the operation of the Act. A landlord is precluded from raising the rent of a tenant who is paying Rs. 150 a month, but the Act empowers him to squeeze from the tenant who is paying a larger rent a still larger sum. So, Sir, you are removing one evil but creating another. Evidence goes to show that the people who are in better positions in life have often to spend one-third of their income towards the payment of rent. People who in previous years were able to live in entire flats are now compelled to share them with others in order to avoid the excess rents that are being demanded of them. Therefore it is clear that if you pass this part of the Bill which provides for a limitation in the amount of rent to be brought under control, you are merely—as I have already pointed out—transferring the evil from one class of people to another. Sir, throughout the debates in this House the popular view expressed has been equality for all—justice for all—and liberty for all without distinction. If we claim these things how can we do so if we retain this limitation clause in the Bill? What we are now to decide is whether or not we should be justified in accepting this clause providing for a limitation as between the rich and the poor, if I may use the term. If you investigate the matter you will find that the few who are rich in the real sense of the word are infinitely worse off and find it infinitely more difficult to cope with the large rents than a man in poor circumstances finds with lesser rents. I do not wish to say much more about it, because it must be obvious to all. I think no argument is required on the point that the provisions of this Bill should operate equally to the benefit of the rich and the poor; so, Sir, I hope this clause of the Bill will be omitted.

(At this stage the Hon'ble the President left the Chamber and Kumar Shib Shekhareswar Ray took the Chair.)

Mr. J. CAMPBELL FORRESTER: I object entirely to sub-clause (2) of clause 2. It makes a class distinction when you lay down the limit of rent to be protected up to Rs. 150 which is undoubtedly a very small rent. Some members here may say that you have class distinction in the Rent Act as it is in England. But there you have a distinct difference because a person who lives in a house of £100 per year at home generally is a man that requires no protection; that is to say, he lives alone in it, and as a rule is a man of [illegible]

lives in a house for Rs. 500 a month takes that house generally because he could not get a more suitable one, the result being that he has got to take in paying guests in order to pay his household expenses. I presume, Sir, that most people in this House have come in contact with individuals who have to keep up appearances. Their profession demands that they must live in respectable quarters and keep up a high standard of respectability. They never complain of poverty. They do not keep on agitating for anything, they go on living peacefully and quietly struggling along for an existence. It is one continual strain to make both ends meet year in and year out. Are you going to throw these people who are really deserving of protection out of the pale of this Act? Surely, Sir, this House will do nothing so uncharitable and wrong.

Now, Sir, there is another point and that is a very telling point. If you limit the protection to rents up to Rs. 150 only, a month, let us see what may happen. Suppose you have a house for Rs. 200 a month and sublet a room to a tenant for Rs. 70 a month. The landlord can give you notice to quit but the sub-tenant will according to this Bill remain, as the landlord cannot turn him out as his rent is under Rs. 150 per mensem. That is a position. So you are making confusion worse confounded. We have sufficient complications in the present Act. We do not want to add others to them by limiting rents to Rs. 150. I hope this point has been brought home to you quite clearly. The landlord gives the tenant-in-chief notice to quit but he cannot give the sub-tenant any such notice.

Now, Sir, the usual argument has been trotted out by some members here, who say "why are you going to limit the profits of landlords but not restrict those of merchants? Why should jute, coal, steel, shipping, and other merchants go on getting exorbitant profits, and yet you will not permit the landlord to do so?" Sir, the difference is so great that there is no comparison. The landlord secures a site, but before doing anything he wants to see a sure 6 per cent. before he starts building. On the other hand, the merchant secures a site. After building he has to buy machinery, employ workers, buy the raw material and sell the finished article. The whole proposition is bristling with the problem whether it will be a success or not, and the difficulties of making industrials a success is understood by those who invested in them during the war boom. Should it be a success, he goes on extending and giving more employment doing good and helping on the country, and has to be energetic all the time. On the other hand the landlord after building his house has got nothing else to do by way of energy. His house increases in value in the meantime by the energy of the merchant so much so that he practically gets whatever rent he desires. That is the difference between the merchant and the landlord. There is no comparison between them. So I hope, Sir, that the House will show its disapproval of this clause restricting rents to Rs. 150 per mensem by voting

against the restriction of the rent which is sought to be imposed by this clause.

So I formally move that clause 2 (2) and clause 2 (3) be omitted.

Babu DEBI PROSAD KHAITAN: I rise to speak a few words on this amendment because I am rather amused to find that the representatives of the Bengal Chamber of Commerce are supporting protection. Whenever protection has been needed for the development of the industries of this country nobody has raised his voice more audibly and more vociferously than the Bengal Chamber of Commerce against the imposition of protection. Then they went to the fullest length of free trade. But when it comes to the question of rent—a question that affects their own pockets, then suddenly they get transmuted from the position of free-traders to the position of protectionists. I can only hope that when the time comes for the representatives of the Bengal Chamber of Commerce to help the development of the industries of this country they will be consistent and support protection so that the country may become richer and may have more food to eat and more money to spend on the necessities of life.

Mr. C. S. DUTT: On behalf of Government I wish to state the position of Government in regard to these amendments. It is this: As I have already stated on behalf of Government, the position of Government is neither a pro-landlord nor a pro-tenant one. Their position is one of consistent opposition of rent control. Once this is made clear Government would be satisfied.

With regard to the details as to whether control should be limited up to Rs. 150 or to Rs. 200 Government have nothing to say and Government will abstain from voting in this matter and leave the Council to decide the extent of control that may meet the best interests of tenants and landlords. I hope this decision will be a test of Government's position that they are neither anti-tenant or anti-landlord.

Dr. PRAMATHANATH BANERJEA: Do that on all occasions.

Mr. PROVASH CHUNDER MITTER: May I know whether Government will vote on either side?

Mr. C. S. DUTT: As I have already said, on these amendments which are not questions of the general principle involved, namely, the extension of rent control, Government will refrain from voting and remain neutral.

Mr. PROVASH CHUNDER MITTER: I desire to say a few words, now that the atmosphere has been cleared by the announcement that Government is not going to vote on either side, and I hope that the question will be decided on its merits.

When this matter was being discussed in this Council prior to the reference of the Bill to a Select Committee I submitted for the consideration of the House that although I was opposed to any extension of the Act I could understand the extension of the Act for the benefit of the poor. In the Select Committee Mr. Nisith Chandra Sen moved for Rs. 150 and it was accepted by a majority of the committee and it is on this point that the House has now got to vote. I submit, Sir, that a man paying Rs. 500 as rent has no justification, has no right to claim protection. I hope that the recommendation of the committee will be accepted because there might be some justification and protection for the poor. We need not stretch a point in favour of men who are not poor.

The CHAIRMAN (Kumar Shib Shekhareswar Ray): I will now put the question.

Mr. J. CAMPBELL FORRESTER: Sir, on a point of order. Has not Mr. Barton any right of reply?

The CHAIRMAN (Kumar Shib Shekhareswar Ray): The mover of an amendment has no right of reply.

The motion was then put and a division was taken with the following result:—

AYES.

Barton, Mr. H.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Cheinuddin, Khan Bahadur Maulvi Md.
Cochran, Mr. A.
Cottle, Mr. J.
Forrester, Mr. J. Campbell.
Huq, Maulvi Ekramul.
Jones, Mr. J. A.
Marsna, Dr. H. W. B.
Philip, Mr. J. Y.
Rose, Mr. C. F.
Travers, Mr. W. L.
Villiers, Mr. Edward.

NOES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Banerjee, Dr. Pramathanath.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chaudhury, Maulvi Saiyed Abdur Reb.
Chunder, Mr. Nirmal Chandra.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dutta, Babu Akhil Chandra.
Dey, Babu Baroda Prosad.
Gafur, Maulvi Abdul.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hussain, Khan Bahadur Maulvi Musharruf.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prosad.
Khan, Babu Dabendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Law, Raja Rochee Case.
Mahammed, Maulvi Bashar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Satyendra Chandra.
Mitter, Mr. Provash Chunder.
Mukerjee, Babu Tarakanath.
Mukerji, Mr. S. C.
Nasker, Babu Nem Chandra.

Mangi, Babu Manmohan.
Pahlowan, Maulvi Md. Abdul Jubbar.
Qasdar, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Roy, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Satcowripati.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilal Singh.
Ray Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Nalinirenjan.
Sarnar, Maulvi Allah Bukah.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Tarafdar, Maulvi Raja Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 13 and the Noes 63, the motion was lost.

Mr. CHAIRMAN (Kumar Shib Shekhareswar Ray): Dr. Moreno, will you move the motions Nos. 8 and 10 together though I shall put them separately.

Dr. H. W. B. MORENO: Sir, I move that in clause 2(2) for the proviso the following be substituted, namely:—

"Provided that after the 31st day of March, 1924, this Act shall cease to apply to any premises the rent of which exceeded two hundred and fifty rupees a month or three thousand rupees a year, on the 1st day of November 1918."

If the amendment be not carried I move, Sir, that in clause 2 (2) for the proviso, the following be substituted, namely:—

"Provided that after the 31st day of March, 1924, this Act shall cease to apply to any premises the rent of which exceeded two hundred rupees a month or two thousand four hundred rupees a year, on the 1st day of November 1918."

So far as the arguments that have been levelled against this Bill one of the greatest has been this: That there has been a distinction made in this Bill between the rich and the poor. I fail to see, however, the force of that argument. What legislation primarily is for is that it should be for the relief of those who need it. It is not a question whether it should affect the rich or the poor, but the question is whether it is needed. What is the real need in Calcutta? The real need is for the protection of the middle class people. The report of the Housing Committee of Calcutta of 1923 has drawn attention to this. It said that there is special need in the case of the middle class people of Calcutta for some such protection.

[At this stage the Hon'ble the President returned to the Chair.]

Taking that as a basis I can convincingly put forth my arguments before this House, that if the difficulties are not properly grappled these people will be left in a state which will call for serious comment on us as legislators. If we have such an Act for the protection in the meanwhile, it will certainly be doing them a benefit until Calcutta expands. I do not doubt that in the course of a few years we will have Calcutta

expanded and we will have a more housing accommodation. All my measure seeks to do is to protect these people in the meanwhile until Calcutta expands. Dealing with the proposal of the Select Committee I am of opinion Rs. 150 rental is an exceedingly low figure. We will certainly want something higher than that, and I am emboldened to say this by referring again to the Calcutta Housing Committee Report when it says that the European and Anglo-Indian population generally ocuppy flats varying a rent between Rs. 150 and Rs. 300. I think that a decent house in the middle of Calcutta would carry a rent of Rs. 200 and over. If you are therefore legislating for the protection of the middle class people you must take into consideration the average house in which they live. That I think will be considered ample reason for extending this Act to houses with a rental up to Rs. 250 a month. I cite the London Act which also provides for houses paying a particular yearly rent. If in London they have thought fit to introduce a protecting Act for a certain class of tenants I think we cannot be far out of the way in introducing a similar Act here in Calcutta. With these words I move my motion.

Mr. PRESIDENT: You should also move motion No. 10 *pro forma.*

Dr. H. W. B. MORENO: I move that in clause 2 (2), for the proviso, the following be substituted, namely:—

> "Provided that after the 31st day of March, 1924, this Act shall cease to apply to any premises the rent of which exceeded two hundred rupees a month or two thousand four hundred rupees a year on the first day of November, 1918."

Maulvi WAHED HOSSAIN: In supporting Dr. Moreno's first motion, I would like to say a few words only. As far as I understand the object of the amendment is to render some relief to two classes of persons—the poor and the middle. Now these two classes of persons generally take houses on rent ranging, from Rs. 70 to Rs. 250 or thereabout. Consequently, if the amendment be accepted, the result will be a compromise between the two classes—a class which is in a position to pay higher rent and the class which is not in a position to pay even a small rent like Rs. 150 or 200 or thereabout. There was no limit in the amount of rent in the original Act whereas we are going to put some limitation in the present Act in order to protect the interest of both the classes. Such being the ideas, the compromise should be accepted between the proposal of fixing the amount of a monthly rent at Rs. 250 and that of leaving the Act as it was without any limit.

Mr. C. S. DUTT: On behalf of Government I wish to state that, for the same reason which I gave in connection with the last amendment Government will abstain from voting on these amendments as they refer to the details of the Bill and not to the general principle of the Bill.

Mr. HUSEYN SHAHEED SUHRAWARDY: I think I owe it to myself, not having signed the report of the Select Committee, just to give my own views on the subject. I support entirely the motions of Dr. Moreno and Maulvi Wahed Hossain. I am sorry somewhat that this does not protect a large number of European tenants, but I hope, that this will induce the European community in Calcutta not to insist upon that high standard—high and artificial—of gentility which they expect from their younger members. It is unfortunately the case that unless a European lives south of Park Street where the rents are abnormally high, he is not accepted in European Society——

Mr. PRESIDENT: That is quite irrelevant and I must ask you to keep to the point.

Mr. HUSEYN SHAHEED SUHRAWARDY: If you think so, Sir, I have got nothing more to say.

Mr. H. BARTON: Sir, I wish to say in opposing this measure that it would be a gross injustice to a particular class of people. Apart from this what is going to be the result now? Simply this: That those people who were or are able to pay a higher rent would find the landlords increasing their rents in order to make up for the loss on the other side. They will be compelled to vacate the premises and accommodate themselves anywhere. It will do more harm to the landlords who will not be able to realise very much on his lay-out so that this measure is not going to benefit either the landlords or the tenants and I would appeal to the House to throw it out.

Mr. J. CAMPBELL FORRESTER: Sir, I will say just one word of protest. It seems to me very unfair to qualify justice by placing rupees before humanity. If the Act is necessary it is as much necessary for those paying Rs. 300 and upwards as it is for those paying Rs. 150. I add this only as a protest.

Mr. J. A. JONES: It seems to me that Mr. Campbell Forrester has not read the report of the Committee on Housing and Communications of which he was a Member—a Report which, I understand, he also signed—because the drift of the report contradicts the whole argument which he has put before the House this afternoon. The main effect of the report is that, for housing accommodation of a certain rental there now exists a supply comparable to the demand. I see no particular use in appointing a committee to conduct an elaborate investigation to examine the question, as I believe, it has already been done very thoroughly and carefully—if you are going to disregard its conclusions. One fact stands out in the report of the Committee and that is with regard to the higher class of accommodation there is no scarcity now. It seems to me therefore to be illogical and also unfair to landlords that you should extend legal

protection to a class of property which, in the opinion of this very competent committee, of which Mr. Forrester was a member, does not require protection.

The next question is at what point protection is going to begin? There again I prefer to follow the recommendations of the Committee which in fact contains quite a representative number of Hindu landlords like Ramtaran Banerji, property owners of all descriptions and their unanimous opinion was this that the limit at which scarcity begins is a rental below Rs. 300 a month. I have heard various opinions of a different kind, but I say that you have appointed a committee, that that committee has done its best to ascertain the facts, and I think it is only common sense to follow its conclusions. Therefore, I take it that for rentals below Rs. 300 there is still a need for protection. I am aware that the people who are paying a rental of Rs. 300 or less are not a class which appeals to the imagination in the same way as the poorer classes. But I think if we think about the matter more carefully in the light of our own knowledge of the very hard strain in which the people of the middle class, both European and Indian, have found themselves during the last few years, I think we shall be constrained to admit that, while their condition is not so pitiable on the surface, there is undoubtedly a very real suffering among them; and any increase of their rents will be a very severe strain upon them. Therefore, following the recommendations of the Housing Committee I am going to support both the amendments of Dr. Moreno.

Mr. PROVASH CHUNDER MITTER: I understand that in this matter Government will not vote. I desire to place a few points for the consideration of the House and I hope that the House will take them into consideration with voting, and then decide according to the justice of the case.

I find that motions No. 8 and No. 9 by Dr. Moreno and Maulvi Wahed Hossain, respectively, ask for fixing the limit at Rs. 250 though I gather from Maulvi Wahed Hossain's speech that he wanted it to be Rs. 200 but I might have misapprehended his remarks. The recommendation of the Select Committee is Rs. 150. It seems that all are agreed that a limit should be prescribed and the relative question is what will be the fair limit. My submission is that Rs. 150 would be a fair limit. People who can afford to pay Rs. 150 a month, if they are Indians, must have at least an income of Rs. 700 to Rs. 800 a month. I know the condition and the capacity of Indians to pay a particular rent when he has a certain income but I have not the same knowledge about the Europeans. I find Mr. Jones is shaking his head, but I may tell him that an Indian with an income of say Rs. 800 a month would not pay ordinarily more than Rs. 150 a month. Now if the object of putting a limit is to protect a certain class of tenants I think Rs. 150 would be a fair limit. This matter was considered very carefully by the Select

Committee. Mr. Nishit Chandra Sen suggested Rs. 150 and it was accepted by the majority of the Committee. Therefore I submit to the House that this would be a fair limit.

Mr. J. CAMPBELL FORRESTER: May I offer a word of personal explanation, Sir? Mr. Jones said that myself being a Member of the Housing and Communications Committee did not read the report of the Committee or I would not object to restriction of rents on house at and above Rs. 300 per mensem. I assure you, Sir, that it is because I have read that report and because I knew that the recommendation in the report could not be carried out for lack of funds I have taken the stand that there should be no distinction in qualifying what rents should be controlled and what should not—empty houses there may be but it is not for want of tenants but for want of tenants that can afford to pay the exorbitant rents demanded for them.

Dr. H. W. B. MORENO: May I have my right to reply, Sir?

Mr. PRESIDENT: There is no right of reply. These are amendments and therefore you cannot speak in reply.

The first motion of Dr. Moreno was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Chakraverti, Babu Jogindra Chandra.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chuadhury, Maulvi Saiyed Abdur Reb.
Cholmuddin, Khan Bahadur Maulvi Md.
Dhunder, Mr. Nirmal Chandra.
Cochran, Mr. A.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Dutta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Bareda Prosad.
Gafur, Maulvi Abdul.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hossain, Khan Bahadur Maulvi Musharruf.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Jeardar, Maulvi Aftab Hossain.
Jones, Mr. J. A.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mohammad, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitra, Babu Satyendra Chandra.
Moreno, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Mukerji, Mr. S. C.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohan.
Pahlowan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Roy, Babu Nagendra Narayan.
Roy, Mr. Kiran Sankar.
Ray, Kumar Shib Shekhareswar.
Rose, Mr. C. F.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Ray, Dr. Kumud Sankar.
Roy, Mr. Saleswripati.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilal Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukh.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nishit Chandra.
Sen Gupta, Mr. J. M.

Suhrawardy, Dr. A.
Suhrawardy, Mr. Husayn Shaheed.
Tarafdar, Maulvi Rajb Uddin.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Yasin, Maulvi Muhammad.

NOES.

Carey, Sir Willoughby.
Khaitan, Babu Debi Prasad.
Mitter, Mr. Provash Chunder.
Ray, Babu Surendra Nath.

The Ayes being 70 and the Noes 4, the motion was carried.

The next motion of Dr. Moreno was not put as it was covered by the decision on the first motion.

The following motion was not put as it was covered by the decision on the motion of Dr. Moreno:—

The Hon'ble Maulvi A. K. FAZL-UL HUQ to move that in clause 2 (2)—

(i) in clause (i) of the proviso, in line 1, after the word 'monthly' the word 'standard' be inserted, and

(ii) in clause (ii) of the proviso, in line 1, for the words 'the rent' the words 'a standard rent' be substituted."

Mr. PRESIDENT: The question is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

CLAUSE 3.

Mr. PRESIDENT: The question is now that clause 3 stand part of the Bill.

Mr. H. BARTON: I move that clause 3 be omitted. This House has been somehow induced to perpetrate an injustice which is to deny to a certain class of people the protection to which they are entitled, and we are now asked to subject them to a further injustice by penalising them to the extent of an additional 5 per cent. on the rents being paid to-day, or 15 per cent. over the rent standardised in 1918. The arguments in defence of the so-called poor who have been brought within the class of protection (Rs. 250) are that they could ill-afford to pay more rent, and that those who earned more could afford to pay more. No one seems to consider that if this recommendation is adopted it would mean penalising those who are paying higher rents to a much greater extent; 5 per cent. more was to be extracted from them. The increase allowed the landlord on the rents before 1918 was 10 per cent. If for example the rent of a house was Rs. 100, the landlord was permitted an increase of 10 per cent. per mensem, say Rs. 120 per annum on Rs. 100, and yet we are told that the landlords have been badly treated. I should be glad to put Rs. 100 out and get back

Rs. 120 a year. Now we are asked to bleed the people a little more, and allow the landlords to pocket an additional 5 per cent. I am unable to see how Dr. Moreno could have put up this clause for acceptance. The fact that he was not doing the right thing was evinced by his note of dissent where he withdraws from that proposal. The whole thing appears to be so badly mixed up from beginning to end that to my mind it is impossible for this House to do justice to the Bill, and I think that is the reason why Government have abstained from voting. We cannot blame them. However it seems to me that if this additional 5 per cent. is to be extracted, and if this House is induced to put it through, Government will be faced with a greater crisis than we can imagine. I venture to predict that not only will tenants refuse to pay additional rents, but they will be compelled to use force when occasion arises. We should probably have to face a condition of riots between landlords and tenants, and we should hear all sorts of reports about the police being brought in in hundreds and things being brought to a state of confusion that Government will eventually find it more difficult to subdue. For this, if for no other reason, I would ask the members of this House, to throw out this proposal for any additional increase of rent. There is no justification whatever for it. When the first Rent Act was introduced ample margin was allowed for the landlords and they have reaped a harvest by that Rent Act, while the tenant have more or less suffered at their hands, and if this House is going to encourage them a little further by giving them an extra 5 per cent., they will rightly have cause to rejoice and will always look to the Council to place the interests of the landlords first and the interests of the people second. I am strongly opposed to any percentage in the increase of the rents, and I would ask the Council to oppose such a measure.

Dr. H. W. B. MORENO: I am charged as having been very inconsistent in my manner by Mr. Barton. I would like to inform the Council and him that after all the highest form of inconsistency consists of consistencies. I should like to explain the position that has arisen as regards the Rent (Amendment) Bills as changed by the Select Committee. When I first introduced the Rent Amending Bill for Calcutta, the Bill was to extend to all houses in Calcutta. I felt that if that Bill could extend the existing Rent Act for another three years, it should affect all houses in Calcutta, and that some sort of increase should be allowed to landlords, as indeed was allowed when the Rent Act first came into operation in the year 1920. I did not like to look with a prejudiced eye on the landlords. I was determined to see fair play. It was in that view that I suggested a 5 per cent. increase. The present Rent Amending Bill has been limited in its scope to houses carrying a rent of Rs. 250 or less. Most of these rents have already been standardised by the Rent Controller, the rents have

been fixed and the tenants are continuing to pay the rents fixed by the Rent Controller. If you now introduce another amending Bill, allowing a 5 per cent. increase so far as these houses are concerned, you will open the door to a great deal of litigation. Every landlord will come in again and ask for standardised rent with 5 per cent. increase, and you will, therefore, cause tenants to be once more harassed by a series of litigation, and your Rent Amending Bill will be a source of great annoyance to the tenant. It was for that reason that I thought that any grant of increase so far as these smaller houses were concerned, should not be allowed. In regard to the preposterous view, made by Mr. Barton, that a riot will occur in Calcutta if this be passed, I can assure the House that it can rest contended against any such alarmist cries. But I would ask if it would be fair to those tenants who have already had their rents standardised to have them harassed once more by litigation just because you allow a further 5 per cent. increase. The Bill will then become a source of harassment instead of achieving good. With this in view I oppose a further increase in the standardising of rents.

Mr. J. CAMPBELL FORRESTER: I associate myself with the remarks pressed so vigorously against a 5 per cent. increase to the landlords. Mr. Moreno has stated that he believes in justice. I am afraid his limiting the question of rent at so much per month seems to me that he is limiting justice to about Rs. 150 a month. I warn this House that the damage done here to-day will possibly, before another three months, see a condition of affairs in Calcutta similar to what occurred in Glasgow not so long ago. I ask the House to oppose this 5 per cent. increase to landlords.

Mr. PROVASH CHUNDER MITTER: I desire to place the case from the landlords' point of view before the House. In the year 1920 when the old Rent Act was passed—it was a child of the Hon'ble the Maharajadhiraja Bahadur of Burdwan, a favourite child—10 per cent. was allowed to landlords on the rents obtaining in 1918, that is to say, 2 years' increase at the rate of 5 per cent. was allowed to the landlord. Under the present Bill, the earlier clauses of which have been accepted by the House, this Act will remain in force till 1927. The amendments of Messrs. Barton, Moreno and Campbell Forrester, if accepted, will mean that the rents of 1918 which, under the Rent Act of 1920, were allowed to be raised by 10 per cent. for these 2 years, will be the same till 1927, that is to say for a period of 9 years, 10 per cent. will be allowed, whereas under the Act of 1920, a rise of 10 per cent. was allowed in 2 years, namely, 5 per cent. per annum. I ask whether this is fair; looking at it as just and fair-minded men should, is it fair or just not to allow any increase for a period of 7 years? Even as Mr. Villiers has said—

Mr. EDWARD VILLIERS: That is not what I said. What I said was whether you are a landlord or a tenant.

Mr. PROVASH CHUNDER MITTER: The landlords of Calcutta must be considered to be very reasonable if after a period of 9 years they ask for an increase of 5 per cent. on and above the 10 per cent. allowed at the instance of the tenants for 2 years in 1920. On the principle of the increase accepted in the Bill of 1920, that is 5 per cent. per year the increase for years from 1918, ought to be 45 per cent. less 10 per cent. already allowed, but nobody has suggested 35 per cent. Dr. Moreno originally suggested 15 per cent., but now apparently he regrets his former decision, and thinks that 15 per cent. for 9 years is too much, and so he wants to allow only 10 per cent. for 9 years. I leave it to fair-minded men to judge and decide this question on its own merits.

There is another aspect to be considered. The Corporation assessment in many cases will be increased by about 45 per cent. during these 9 years, but landlords will only be allowed 10 per cent. Will it not be unjust to landlords?

Mr. C. S. DUTT: For the reasons given in connection with the last two amendments Government will remain neutral in connection with these amendments also, not because as pictured by Mr. Barton, Government are frightened of serious riots taking place if this clause remains as it stands—Government are convinced that no such thing will take place—but because Government have, as I have said before, left it to the House to decide on the details of the Bill. Government abstain from voting either in favour of the landlord or the tenant.

The motion was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Barton, Mr. H.
Bose, Babu Bejoy Krishna.
Garey, Sir Willoughby.
Chakravarti, Babu Jogindra Chandra.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Chaudhury, Maulvi Saiyed Abdur Web.
Choinuddin, Khan Bahadur Maulvi Md.
Chunder, Mr. Nirmal Chandra.
Cochran, Mr. A.
Cottle, Mr. J.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Daud, Mr. M.
Forrester, Mr. J. Campbell.
Gafur, Maulvi Abdul.
Gordon, Mr. A. D.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Jeardar, Maulvi Aftab Hossain.
Jones, Mr. J. A.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammed, Maulvi Bashar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Mitra, Babu Satyendra Chandra.
Morgan, Mr. G.

Mukerji, Mr. S. C.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Sateowripati.
Roy, Raja Manilell Singh.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalniranjan.
Sarkar, Maulvi Allah Baksh.
Sasmal, Mr. Birendra Nath.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Tarafdar, Maulvi Rajb Uddin.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Wilson, Mr. R. B.
Yasin, Maulvi Muhammad.

NOES.

Aley, Mr. S. Mahboob.
Basu, Babu Jatindra Nath.
Mitter, Mr. P. C.
Ray, Babu Surendra Nath.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Sailaja Nath.

The Ayes being 70 and the Noes 6, the motion was carried.

Clause 3 was therefore struck out of the Bill.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

Dr. H. W. B. MORENO: I move that the Bill as settled in Council be passed.

Mr. C. S. DUTT: On behalf of Government I rise to say that Government feel it their duty to oppose this motion for reasons which I have already indicated. I think it has been made clear to the House from the attitude which Government have taken in connection with the amendments of details that the reason why Government have adopted a particular attitude with regard to this Bill is not because they have ultra-pro-landlord or ultra-pro-tenant sympathies, but because from an impartial consideration of this matter they are convinced that an extension of rent control is not justifiable in the interests of either the landlord or the tenant. From this point of view Government consider it their duty to oppose this motion, and that for the 3 reasons which I have already stated—first, because the abnormal conditions which necessitated the passing of the 1920 Act no longer exist, secondly, because a definite pledge was given by the Hon'ble Sir Surendra Nath Banerjea that rent control would cease on the 31st March, 1924; and thirdly, because Government think that in view of the conditions now prevailing, the best interests of the tenants will be served by allowing supply and demand to adjust themselves. With these words, I hope that the Council will be convinced that Government have been actuated by no other motive than to serve the best interests of the landlords and tenants alike. It is believed in certain quarters that Government have made a tactical mistake by adopting the attitude they have taken

up, and have courted defeat on certain points. The fact is that Government have not approached this matter from a consideration of whether they will be defeated on certain amendments or not, but their whole attitude has been based on one consideration only, namely, what was consistent, what was right and what was fair to landlords and tenants alike.

The motion was put and agreed to.

Resolutions

(on matters of general public interest).

Muhammadans in Government Service.

Khan Bahadur Maulvi MUSHARUFF HOSSAIN: I move that this Council recommends to the Government that out of the total number of appointments referred to in the undermentioned table and to be made hereafter by the Government of Bengal, 80 per cent. be given to the Muhammadans of Bengal till the number of Muhammadan officials in each class in the employ of the Government of Bengal becomes 55 per cent. of the whole:—

Table.

(1) appointments carrying a maximum pay of Rs. 1,000 and over,
(2) appointments carrying a pay between Rs. 500 and Rs. 1,000,
(3) appointments carrying a pay between Rs. 100 and Rs. 500,
(4) appointments carrying a pay between Rs. 40 and Rs. 100,
(5) appointments carrying a pay of less than Rs. 40.

Mr. PRESIDENT: They cannot hear you at the other end of the House. Perhaps you would not mind speaking from the middle of the House.

[Here the member occupied one of the official front chairs.]

Mr. BIRENDRA NATH SASMAL: May I rise to a point of order? Is the member entitled to sit on the official block?

Mr. PRESIDENT: I have placed him there, Mr. Sasmal; Khan Bahadur, please go on.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: The House would, I believe, like me to explain what has justified me in making this demand on behalf of my community. It is possible that some officials will be apt to regard my demand as extravagant, my Hindu friends in the Nationalist camp will, I am sure, with their usual vehemence of language, condemn it as something outrageous. It also seems that the Swarajists who brought forth this pact into the world after great travail and with a considerable flourish of trumpets are anxious

to put it aside as a thing unclean and untouchable which must be put out of the sight of our extremely sensitive nationalist and independent Hindu friends. But, Sir, at the same time let me assure the House that in my community intense and acute dissatisfaction and resentment have been going on owing to the paucity of the careers which are open to our educated young men whose number has lately been increasing with a rapid pace. But, Sir, I hope before I have finished to be able to dispel some of the delusions and fallacies which in the minds of many worthy members of this House surround the subject. Sir, during the last 60 years or so my community, the members of which ruled this Province for six centuries, has been gradually losing ground in the administration of the country. Till then every department of the Government was administered almost entirely by the members of my community from whom were recruited muftis, maulvis, kazis, dewans, sadar alams, sadar amins, vakils, mir munshis, kotwals, darogas not to speak of the sheristadars, the peshkars, the nakal nawis, the mohurrirs and so on and even the Deputy Magistrates and munsifs and Sub-Judges of somewhat later date.

Mr. PRESIDENT: Will you please try and raise your voice to a higher pitch?

Mr. C. R. DAS: May I make a humble suggestion? If my friend stands on the chair he will make himself heard. (Laughter.)

Mr. PRESIDENT: No, no. He cannot do that, Mr. Das. (Laughter.)

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: But one unfortunate day it was decided though not without considerable hesitation, to displace Persian and Urdu which was hitherto the court language by English and Bengali with the inevitable result that in one generation an entire transformation was brought about in the administrative personnel of the Province, the Muhammadans were swept out from every branch of the administration and as a community they sunk at once into political insignificance. Sir, it is known to all that some time before this the Resumption proceedings had been set on foot with the result that many a grant of land held by influential Muhammadan families under the name of Aimmas, Madad-mas, Lakhraj, etc., were resumed and were settled with Zemindars. The combined result of these measures was that numerous educated and leading Muhammadan families of Bengal were reduced to penury and helplessness.

It is often said that the Muhammadans themselves are to blame for not having taken advantage of the facilities which were offered to all for giving their children English education. But after all you must take note of human nature. Was it not natural that a community which had inherited great and proud traditions of peoples with a catholic civilisation and world-wide dominion to whom humanity was indebted for the

revival of liberal arts and philosophy and who lighted in the West the torch of science and the monuments of whose genius lies scattered almost all over the globe, including the jungles of Bengal the most beautiful and imperishable heritage of the human race could not at once be expected to accept an alien system of education for their children—a system which not only jarred against their national pride and self-respect but necessarily involved a great change in their attitude towards life. They little thought that a tremendous change of policy in the Government of the country was going to be permanently followed bringing about their utter degradation and pauperisation as a community. Sir, when at last they woke to the realities of the situation they found themselves without the means for educating their children and saw that all the avenues of administration were gradually occupied by their rivals. This dismal state of things continued and grew from bad to worse until the partition of Bengal furnished the first gleam of hope and under the impetus which the community then received they began to make rapid progress. The Moslem boys poured into the schools and colleges and the administration of Eastern Bengal found no difficulty in admitting into the service Muhammadan youths in increasing numbers. Whatever might have been the state of things previously it could not be said that the Muhammadans were no longer eager to avail themselves of every opportunity to improve their position. The cry now among them is for more and more educational facilities, more schools and colleges, for many eager Muhammadan students are shut out from the University for want of accommodation in the colleges. Even in present circumstances the number of Muhammadans who take their University degrees every year is quite large and more than sufficient to supply the needs of administration. During the last 10 years nearly 1,600 graduates took their degrees, about 10,000 boys passed the Matriculation examination.

It is clear, Sir, that if 40 or 50 Moslem graduates were selected each year that would be sufficient to fill 80 per cent. of the provincial and other services open to recruits in India. What after does the pact, say it requires that until 55 per cent. is reached let 80 per cent. of these posts be filled by Muhammadans so that the desired proportion may be secured in a reasonable time. At this demand many of our Hindu friends have indeed expressed amazement and dismay. But, Sir, in the same breath witness after witness before the Lee Commission drawn from the ranks of those very Moderates, Liberals and Nationalists have been vehemently demanding that further recruitment of Europeans in the Indian Civil Service should be stopped altogether for the next 20 years in order to secure 50 per cent. of Indians in that service at the end of the period.

Mr. HUSEYN SHAHEED SUHRAWARDY: We cannot hear the remarks of the hon'ble member.

Mr. PRESIDENT: I am in the same position.

Kumar SHIB SHEKHARESWAR RAY: Cannot somebody else read the speech for him?

Mr. BIRENDRA NATH SASMAL: Can it not be taken as read?

Mr. PRESIDENT: No. Go on, Khan Bahadur.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: I ask my European friends officials and non-officials if they can in fairness support these Hindu politicians in their cry against us and I am certain that they will not. So long as the ultimate responsibility for the good Government of India rested entirely with British Parliament and British people and there was necessarily a predominance of British officials in the administration it might not have mattered much even if there was marked inequality in the proportion of Hindus and Muhammadans in public services. But now that some portion of that responsibility has been shifted on to the people of this country both Hindus and Muhammadans, a still greater devolution will take place in a few years time. Does it not follow that for the due discharge of this responsibility of the people of Bengal there must be a proper balance between Muhammadan and Hindu officials in the administration? I am not arguing against any community. I am only asking for justice and fair-play for my own community. At present, my community can practically look to only one-third of the appointments in the services, for though this one-third is said to be the minimum it is in fact regarded as the maximum. I consider this as a most unjust and wholly unjustifiable arrangement. I ask the Government to rid its mind of obsolete notions regarding the classification of men according to marks scored at examinations.

What is much more needed now in an administrator is his ability to command the confidence and sympathy of the people whose affairs he has to administer and not the writing of smart and plausible notes and minutes. The real efficiency of administration has now to be judged by the contentment of the people, the popularity of the administrators and their ability to influence the people and to carry them along the path of progress. Sir, it is nothing but sheer political folly in a province where 55 per cent. of the population belong to a community like the Muhammadans with their distinct traditions, history, customs, personal laws, social usages, and outlook on life, not to enlist a sufficiently large number of them in the administration simply because they secure fewer marks when answering all sorts of questions about Shakespeare and Bacon, or solving mathametical puzzles. However much I differ from Mr. C. R. Das with respect to some of his political methods, I must admit that at least at one time he realised fully that the Government and the administration of the province can never be made thoroughly popular unless and until the Muhammadans are allowed to occupy their rightful position in the body politic. Sir, I must ask him with all the seriousness I command to withdraw the amendment of which he has

given notice to support this resolution with his matchless eloquence and carry it through the House. His amendment means, that the Council is to be deprived of coming to any decision for an indefinite period on this most important and urgent subject.

Mr. PRESIDENT: The Council will now adjourn for 15 minutes. When we return, you can complete your speech.

[The Council here adjourned for 15 minutes.]

[After the adjournment.]

The President called on Khan Bahadur Maulvi Musharruf Hossain to continue his speech.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: I have nothing more to say. I want to speak in reply to Mr. Das.

Mr. PRESIDENT: I call on Khan Bahadur Kazi Zahirul Haq to speak.

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): May I ask whether the amendment has been withdrawn?

Mr. PRESIDENT: There is no necessity for the amendment to be moved at this stage.

Khan Bahadur KAZI ZAHIRUL HAQ: I am a new man here, coming from the old mufassal town of Dacca. I am besides a retired school master. There is thus every likelihood of my committing blunders in the observance of parliamentary etiquette. I therefore tender my apologies and crave the indulgence of the House in advance, on the score of the above drawbacks. Now, Sir, before speaking directly on the motion before the House, I would first of all crave your indulgence in permitting me to make clear the position of the Mussalmans in this country. The introduction of Western civilisation by means of its chief auxiliary the Western system of education, materialistic in essence, could not prove easily acceptable to the Mussalmans, who do not believe in two separate courses of life, religious and secular: their perfect code of laws has linked up both very closely. This change, therefore, came to them as a shock, and they naturally shrank from it for some time. No right thinking man can blame them for this attitude. They did so from a sense of self-respect. A people without it is a body without a soul.

What did the Saxons do after the conquest or for the matter of that, how did our elder brethren of the country behave with their Pathan and Moghul Conquerors? They (I mean the latter) instilled a feeling of hatred in the people towards their rulers, they made it a part of their religious instruction, they branded them as Asurs and Melechas.

It is an admitted fact, Sir, that time is required for acquiring an accommodating temperament, an adaptability to changed circumstances. I need not dilate upon the point much. We have a living example of it in our midst to profit by. I admit we have been a little too slow in following it; we are a conservative people. We have, however, been compelled by the force of our surroundings to follow it, with certain modifications, of course, to suit our fixed religious principles and we feel as if we are now in a position to hold our own, we are no longer minors under the control of a Court of Wards, we have attained to manhood, though some of our friends would deny us the privilege.

Thus equipped we have come forward to claim back our legitimate share in the administration of the country, so long enjoyed by our elder brethren by adverse possession. But what do we find? In more cases than one, close preserves have been constituted with all their doors shut, bolted and barred with the additional security of a big board placed at the gate with "No admission" painted on it in bold types. Small breaches have certainly been effected in the walls of late; but the doors still remain closed as before. Attempts are being made to set back the growing demands, unfortunately with apparent success, by means of promises and such precious documents as the so-called Hindu-Moslem Pact, signed, attested, and perhaps ratified with the impression of a great seal. But taking it for granted that these promises and facts are genuine, can they save the terrible situation in which hundreds and thousands of our educated young men are placed to-day? They are actually starving, crying for bread and are almost in a state of despair. They might well cry out with the great Persian poet and moralist:—*Pas aj anke man namanam bache kar khahi amad*: "After I am gone, what's the use of your coming," and add further and say: "Give us bread, make us strong, so that we may prove all the more helpful to you in attaining Swaraj." It is the question of bread, Sir, that has made many of us run hither and thither aimlessly and catch at straws.

And what after all can be the value of a pact made between parties consisting of no more than 15 or 20 persons each side, in the face of the storm of opposition raised at its very inception, all over India, a storm so forcible that at one stage the pact was in danger of being crystalised into a mere suggestion? But thank goodness, it appears to have been rejuvenated into a much sweeter form with the tremendously generous bait (I beg your pardon, I mean offer) of thirty lakhs of rupees being added to it. It takes my breath away in shaping such a big round sum in figures, though to an ascetic like Mr. Das, lakhs and crores make no difference. I wonder how small the poor Education Minister must be feeling just now.

In the course of this storm, one grand old man of Bengal, held in high esteem, advised the Mussalmans, with step-motherly concern, to take to agriculture, their proper sphere of activity; another solicitous well-wisher, through the medium of the public press, admonished us in

a strain somewhat like this (I am sorry I cannot recall the exact words): "Well, brethren, we would be quite willing to part with some of our vested rights, but then you see, you are not properly qualified. The whole administration will become topsy-turvy if you are allowed to enter it just now. Go and work hard, be fit, show yourselves in the front ranks in the fight for liberty and then, you will see, how generous we are." Is any comment necessary on such mischievous utterances?

There is one other fact which strikes me as curious. If Swaraj is actually in sight, as some of us have been led to believe, why were our Swarajist friends so anxious to secure the release of a few political prisoners and get the repressive laws repealed by the degrading means of recommendations and resolutions put forward in this House? Indeed, Sir, I am puzzled and confounded by this mirage of shifting politics.

It is therefore, Sir, to clear this atmosphere of doubts and misgivings created by these conflicting attitudes that we have ventured to submit our appeal before this bar of the accredited and bemandated representatives of the country in the hope of getting justice at their hands. I beg specially to appeal to the sense of justice of the great leader of the country, as the glorious surname appended to his name would encourage one to do, to support us with the whole weight of his party and of those of other exalted denominations, who have joined hands with him, to vote solidly for this resolution, and we as in duty bound shall ever pray.

The Hon'ble Sir HUGH STEPHENSON: Although the Council is still in suspense as to whether the amendment will be moved—and I reserve my right to speak on the amendment if it is moved when I find whether it is an attempt to stifle discussion or merely to avoid an awkward situation in regard to voting—I think it will perhaps be convenient if I rise at this stage to explain to the Council the attitude of Government on the motion.

Government have always recognised the importance of the question raised. In 1885, the Government of India issued a resolution in which the following passage occurs:—

> The Governor General in Council desires that in those provinces where Muhammadans do not receive their full share of State employment, the local Governments and High Courts will endeavour to redress this inequality as opportunity offers and will impress upon subordinate officers the importance of attending to this in their selection of candidates for appointments of the class referred to.

The Government of Bengal took up the question last in 1913. Returns submitted to them showed that the proportion of Muhammadans in clerical and other employments, especially in Eastern Bengal, was still below the percentage borne by the Muhammadan population literate in English to the total population of persons literate in English. Government issued a circular to all subordinate officers pointing out that great progress had been made in Muhammadan education since the

issue of the Government of India circular and that therefore it was disappointing to find that sufficient progress had not been made in carrying out the idea underlying the Government of India's circular. They directed that in future one-third of the appointments referred to should be considered the minimum. Since then every district officer has submitted returns to the Commissioner every year showing the progress made in working up to the one-third as the minimum. These returns are reviewed by the Commissioner and the results are forwarded to Government. Therefore, Government has been keeping its finger on this point for the last ten years—yearly considering and reviewing the progress made. As regards the services, I would point out that the wording of the resolution refers to appointments to be made hereafter by the Government of Bengal. If that were strictly interpreted, it would refer only to certain provincial services and the appointments in the Secretariat; the appointments in the districts are not made by the Government of Bengal, but I take it what the mover is really meaning is—all appointments in Government service in Bengal, and I have therefore dealt with ministerial appointments as well. But coming to the services, it has been the working rule of Government for many years past that one-third of the appointments is the minimum that shall be given to Muhammadans. There are two difficulties in the way which must always be remembered. One is that in accordance with the wish of this Council three years ago we introduced the competitive examination for practically all our services in Bengal. We have tried to meet this difficulty by prescribing in the rules for these competitive examinations that there shall be separate lists for Muhammadans; therefore, Muhammadans compete amongst themselves for a certain number of the appointments. The second point to be held in remembrance is that Muhammadan education is of comparatively recent growth and that therefore the adherence by Government to the minimum of one-third of yearly appointments in the services must necessarily mean that it will take some years before you can get one-third of the total appointments in the sense held by Muhammadans.

Well, Sir, that is the position. Government have always been sympathetic to the claims of Muhammadans and Government hold to the policy that all important sections of the population must be given access to the public services. If you are going to act on a certain percentage, it is necessary periodically to review that percentage in accordance with the increase of education in a particular section and that process must go on from time to time until all communities are on an equal basis in regard to opportunities and education when no special rules will be required for any community. The figures given in the resolution were, I understand, suggested by the party on my right and Government will listen with great interest to the reasons on which these figures are based and will also be very glad to have the subject ventilated generally in the Council, so that we may arrive at

what is the considered opinion of this Council with regard to this matter. When the Council has given Government the guidance that it needs, we shall have to consider the question as a Government, but at the present moment we cannot bind ourselves to any percentage. We shall have to consider the whole subject hereafter in the light of the discussion here, and therefore Government will take no part in the voting with regard to the percentages but will on the result of the debate consider the whole question. I think Muhammadans can safely be assured that with three Muhammadan members in the Government their claims are likely to be put fairly strongly before Government.

Babu DEBI PROSAD KHAITAN: I am sorry that I had to rise earlier than I thought I would, because I did not find any other member of the Council rising to take part in this debate at this late hour. I was further expecting that my esteemed friend, Mr. C. R. Das would move his amendment for an adjournment of this resolution *sine die;* so that we would know exactly the position where we stand.

Mr. C. R. DAS: I am going to move it.

Babu DEBI PROSAD KHAITAN: I am glad to be assured that Mr. C. R. Das is going to move his amendment, because I am sure that that amendment will relieve us of a very difficult position in which we find ourselves placed to-day.

As regards the subject-matter of this resolution, I fail to appreciate what really impelled my friend, Khan Bahadur Maulvi Musharruf Hossain, to bring forward this matter for decision by the Council at this stage. We have heard the Government side of the case so ably put by the Hon'ble Sir Hugh Stephenson. He has informed this House that although there is a standing order of the Government that at least one-third of the Government appointments should be filled by Muhammadans the Government has hitherto been unable to carry out that standing order by reason of the fact that a sufficient number of competent Muhammadan candidates have not come forward to be appointed to these posts. (Question, question.)

The Hon'ble Sir HUGH STEPHENSON: Sir, I have never uttered a single word about this.

Babu DEBI PROSAD KHAITAN: At least that is what I understood him to say. Will he kindly repeat what he said about this one-third proportion?

The Hon'ble Sir HUGH STEPHENSON: All that I said is that in the circular of 1914 Government laid it down that one-third of the ministerial appointments was the minimum that District Officers were to work up to.

Babu DEBI PROSAD KHAITAN: Have they been appointed at that percentage?

The Hon'ble Sir HUGH STEPHENSON: They are being appointed every year. Government receives reports from the District Officers and the Commissioners as to how these orders are being carried out. They have to report every single case where a new appointment is made in their offices and if the proportion is below one-third, they have to explain why it is so. What Mr. Khaitan is probably referring to is the fact that although you may give one-third at least of the appointments to new entrants every year, it will take a very long time before you get one-third of the total appointments held by Muhammadans.

Babu DEBI PROSAD KHAITAN: I am glad that I have been corrected by the Hon'ble Sir Hugh Stephenson. I misunderstood him possibly because I could not catch his words; but so far as my argument is concerned it does not stand altered in any way. There is the Standing Order of the Government to make as many appointments as possible, so that one-third of the Government appointment may be filled by Muhammadan candidates. (No, no.) I do not know what the Hon'ble Sir Hugh Stephenson means. I shall now abandon that line of argument. What my friend, Khan Bahadur Maulvi Musharruf Hossain wants is that henceforth 80 per cent. of the appointments to be made by the Government of Bengal to be given to the Muhammadans of Bengal till the number of Muhammadan officials in each class in the employ of the Government of Bengal becomes 55 per cent. of the whole. I do not understand on what basis my friend has fixed the percentage at 80. In the opening part of his speech he said that the Muhammadans ruled in this country for 800 years. (A Voice: 600 years.) Yes, 600 years. I do not know whether this percentage of 80 has anything to do with the number of years for which India was under Muhammadan rule. If this is so, then the Hon'ble Sir Hugh Stephenson or my friend, Sir Willoughby Carey, may say that because the Europeans have ruled for 200 years they ought to get appointments amounting to 25 per cent. so that the Government of this country will be at a fix to appoint 105 per cent. of 100 appointments out of Muhammadans and Europeans. Otherwise I do not understand what was the necessity of that argument.

Maulvi EKRAMUL HUQ: May I explain, Sir, what the mover means?

Mr. PRESIDENT: Order, order; you cannot explain for somebody else.

Babu DEBI PROSAD KHAITAN: I am saying so because I do not understand why my friend Khan Bahadur Maulvi Musharruf Hossain used that argument in the opening portion of his speech. I fail to understand if it had anything to do with the subject-matter of the

resolution. I am glad to hear from him that he did not mean what his words conveyed. (Hear, hear.) My friend further referred to the Bengal Pact made by the Swaraj Party which another friend at my back said that it was whittled down to be a mere suggestion at one time. So far as the pact is concerned, I regret that I have always had my complaints and it is on this very ground that I have my complaints against this resolution. So far as I have been able to understand that pact was made in order to keep the Swaraj Party in a compact form, to induce the Muhammadan members of that party not to go out of it. (Question, question.) I thought it was a bait put forward by the Swaraj Party to induce the Muhammadan members to continue in them. (Question, question). It may be questioned, but that is my firm conviction. My objection to that pact is the basis on which I think that pact was made. My objection to that pact is that such baits blessed neither him that gave nor him that took. If it comes to that position in our political work, it simply means then that the Muhammadans have to be offered a better bait by the Government in order to lure them over to their side and it does not mean a mere matter of conviction as to which party a person may belong to. In this view of the matter I have always thought that such pacts whether formed inside a party or inside a Council Chamber never bodes good to any person whomsoever.

So far as the appointment of Muhammadans to Government posts is concerned it has my fullest sympathy. I myself belong to a minority community, that is indeed a very much oppressed community (A voice: How many Muhammadans are employed in your firm?), and therefore I should be the last person not to have sympathy with another community that wants to rise and progress and wants to do so whether through Government appointments or other means whatever that may be; but the question is that there is some difference between the demand for Indianisation of services and the demand for communalisation of services. We have certainly to see that the Government of the country and its administration are carried on as efficiently as possible, and I have my doubts if a resolution of this kind be passed in the Council and if an attempt be made to act upon it whether the Government and the administration of the country can be carried on as efficiently for the benefit of the people as it is necessary to do. I hope that this matter will be further considered before it is pressed to a division and I therefore hope that after Mr. Das moves his amendment for adjournment of this matter it will be accepted by the House.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 13th March, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 13th March, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble Mr. A. K. Fazl-ul Huq and the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi), and 114 nominated and elected members.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): The following letter has been sent by Babu Jitendra Nath Roy to the address of the Secretary to this Council:—

6, BARRACKPORE TRUNK ROAD.

P. O. Cossipore;

The 12th March, 1924.

DEAR SIR,

In reply to your D.O. letter No. 486L., dated the 13th February, 1924, I and the other members of my family beg to convey through you our thanks to the President of the Bengal Legislative Council for the kind reference which he made regarding the death of Babu Nalininath Roy and to the members for the sympathetic manner in which they were pleased to receive the reference.

Yours truly,

JITENDRA NATH ROY.

Mr. PRESIDENT: I shall ask the Secretary to include this letter in the record of our proceedings.

Resolutions

(on matters of general public interest).

Muhammadans in Government service.

Maulvi Md. NURUL HUQ CHAUDHURY: As a Muhammadan member of the Swaraj party I think it is my incumbent duty to speak on such a momentous resolution that has been brought before the Council by my friend Khan Bahadur Musharruf Hossain. It is very good of him at this very critical moment in the history of our country and of the legislature in India to bring in a resolution which is fraught with great dangers and consequences. I have heard with the greatest possible attention the speeches delivered by the mover, Khan Bahadur Kazi

Zahirul Haq and Mr. Debi Prosad Khaitan. The Muhammadans of Bengal, although they are in a majority, still in public services they are in a minority; there is no denying of the fact and every one of us present here also acknowledges the same. The Muhammadan and Hindu members of the Swaraj party after their election to the Council thought it necessary—all India also thought it necessary—that it was essential for the unity and good-will of both communities that they should come to an agreement. Unless and until there is an agreement it is impossible to attain Swaraj for which all true Indians are struggling. That being the case, the leader of my party thought it best with the concurrence of the members to come to an agreement amongst themselves as to what would be the position of the Muhammadans and Hindus in the country when we obtain full provincial autonomy. Immediately after the publication of that agreement in the newspapers Khan Bahadur Musharruf Hossain from distant Jalpaiguri sent in a resolution taking his cue from that agreement—asking that 80 per cent. of the posts in Government services should be given to the Muhammadans. Those who are close observers of the present movement must have noticed that there is a section of the Hindu public which is decrying the pact and wants to do away with it and thus stultify our revered leader Mr. C. R. Das. The pact that has been formulated has not been accepted by the Hindu community as a whole and it is necessary that this pact should be understood and supported both by the Hindus and Muhammadans of the whole province. Till now we had no time to go to the country and place our views before it. That being the case, we are not in a position to convince the other section of the Hindu community which is decrying the pact, but if my friend Khan Bahadur Musharruf Hossain would bring in his resolution in a more auspicious time the country might be prepared to accept it; members of the Swaraj party, both Hindus and Muhammadans, would be quite willing to accept it. At present the position of the Swaraj party is not secure because there is another party which wants to dethrone them and turn them out so that the position which the Swaraj party now occupies may be occupied by them. As such, the Swarajists think and rightly think that it is not the ripe moment to bring in such a resolution.

I yield to none in my devotion to the cause of my community and there are many of us who have forced Mr. C. R. Das and the other Hindu members of our party to give us our right or at least to accept the principle which governs every democratic country in the world. That is, if you want to have a democracy you must go on a certain basis—either population basis or something else. Mr. C. R. Das has adopted the basis of population and as such he has accepted the principle that the Muhammadans being in a majority of 55 per cent. in Bengal are entitled to a larger share than 55 per cent. of Government appointments and other appointments at the disposal of Government. May I ask my other Hindu friends, who do not see eye to eye with me, if they recognise this

very just principle which Mr. Das has recognised? I say that they do not. So this resolution is most inopportune at the present moment.

Mr. Khaitan yesterday in his speech said that he had the greatest sympathy with such a resolution. I interrupted him asking how many Muhammadans he had employed in the Birla Brothers, Ltd. Under his control there are three combined newspapers—the *Bengalee*, the *Empire* and the *Swaraj*—he is a great employer of labour. The Birla Jute Mills is controlled by him.

Mr. PRESIDENT: I cannot imagine what that has got to do with the resolution. You have mentioned the name of Birla Brothers. We know nothing of Birla Brothers in this Council and the name does not arise.

Maulvi Md. NURUL HUQ CHAUDHURY: My friend Mr. Khaitan is the Director of a company called Birla Brothers, Ltd.

Mr. PRESIDENT: Are you bringing a personal charge against the member? You are not entitled to do that.

Maulvi Md. NURUL HUQ CHAUDHURY: I am not going to bring any personal charge against any member. My friend who has shown so much sympathy with the Muhammadans ought to have shown it by practical proof. We do not want lip sympathy. We have been told by Mr. Khaitan that the Marwaris are the most oppressed community, but they have got two representatives in the Council—one by the back door of nomination, and the other through election by the Marwari Chamber of Commerce. According to their population they are are not entitled to so much representation; however we do not grudge it, but to say something against us is most undignified for a man of his position. The Marwaris are foreigners in this country; they are not subjects of His Britannic Majesty; they live in certain States; they have come here to make money and then go away. Bengal is not benefited by their coming.

Member in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): On a point of order. Does the question of Marwaris arise in this resolution?

Mr. PRESIDENT: Of course, it does not arise. I have pulled up the member once. Maulvi Sahib, if you persist in such irrelevant talk I shall have to ask you to resume your seat, but I have no wish to do that. I ask you to pass on to something relevant.

Maulvi Md. NURUL HUQ CHAUDHURY: What we the Muhammadan Swarajist members do in this Council will be keenly watched by the whole country and if we vote against the resolution we will be dubbed as traitors.

Dr. A. SUHRAWARDY: No, no. By whom?

Maulvi Md. NURUL HUQ CHAUDHURY: By the other party.

Dr. A. SUHRAWARDY: By the traitors.

Maulvi Md. NURUL HUQ CHAUDHURY: We want to make our position perfectly clear. We, the Muhammadan members, want our due share but not from the bureaucratic Government. (Hear, hear.) Mr. Khaitan has said that the pact was a bait given by the Swaraj party to keep the Muhammadans to their side I challenge this statement of my friend. This is most unjust for a man like Mr. Khaitan to impute motives. Mr. Khaitan himself knows that unless and until there is unity between the two communities it is useless to hope for any form of swaraj. If Mr. Khaitan wants to remain by himself, if he does not want that there should be unity between the Hindus and Muhammadans in this country, I think he is quite justified in saying that, but a man who has the best interests of India at heart will say otherwise. And if it is a bait I say it is not on the side of the Swaraj party, but it is a bait on the side of the bureaucracy. The bureaucracy has put up a man to come up with such a resolution in order to drive a wedge between the two communities.

The Hon'ble Sir Hugh Stephenson said yesterday that the members of this Council want to avoid the awkwardness of a division. I say, Sir, we do not want to avoid the awkwardness; we will boldly say we want to go into the division lobby. I say that the awkwardness is with the Government and I challenge the Government that they will be in an awkward position if there be a division and they vote with the other party. If the Government want that the Muhammadans should be given 80 per cent. of the appointments, why then do they not accept the resolution? Government can do much of its own motion. I ask the Hon'ble Sir Hugh Stephenson how many appointments have been filled up by Muhammadans since 1885 when the Government of India decided that the special claims of Muhammadans should be recognised by the provincial Governments and other local authorities. In 1914 a circular was issued to the effect that one-third of the ministerial appointments should be given to Muhammadans. The Government were asleep for 29 years, and if Government can sleep for 29 years and if within these years the minimum of one-third could not be attained, what can we expect from them, who are insincere to the backbone? The principle of 33⅓ per cent. as accepted in 1914 and up to date the requisite 33⅓ per cent. of the appointments has not been given to my community. If the resolution is passed how long will it take to give effect to such a resolution? I say it will take more than 100 years. When the Hindus and Muhammadans of the Swaraj party will get provincial autonomy, it may be within a year or two this insincerity of Government will disappear

and the Muhammadans will get their proportionate share of appointments. We guarantee that the Hindus who are here will give us 80 per cent. of the appointments and we will force Mr. Das and the whole Hindu community to give us 80 per cent. of the posts. I asked certain questions to Sir Hugh Stephenson and the other members of Government requesting them to inform us how many posts will fall vacant during the present year on account of age limit and the answer I got invariably was that the information is not readily available and its value is not commensurate with the trouble involved in collecting it. If that be the attitude of Government and if Sir Hugh Stephenson is not willing to impart to us this legitimate information, what can we expect from this bureaucratic Government and how can we expect from him and his likes that if the resolution is passed it will be given effect to literally?

Babu DEBI PROSAD KHAITAN: I am told that the speaker said that I am not a British Indian citizen. That statement is incorrect and I hope the rest of his speech is as incorrect as this statement.

Maulvi Md. NURUL HUQ CHAUDHURI: I did not say that to you Mr. Khaitan. I said that of the Marwaris who come to Bengal and make money and go away to their homes from where they have descended upon Bengal.

Maulvi ABDUL GAFUR: I must thank the Hon'ble the President for allowing me to speak in this subject although during the budget discussion I was not allowed an opportunity to speak. The position of the Swaraj party in this connection is very peculiar indeed, inasmuch as it amounts to a test of the sincerity of that party in so far as giving effect to the Pact is concerned. The direct motive of Khan Bahadur Musharruf Hossain is perhaps to bring us down in the estimation of the Muhammadan public and as my friend who has just sat down said, we run the risk of being looked upon as traitors and the Khan Bahadur will be looked upon as the only man who desires the good of the community. Sir, are we, the Swarajists, not desirous of the good of our community? The mover of this resolution was also a member of the last Council, Sir, but what forbade him from bringing in this resolution at that time? He has put forward this resolution only to create a split in the Swaraj camp. (A voice: Khan Bahadur Musharruf Hossain was not a member of the last Council.) If that be so, I am sorry I used the expression; I withdraw it now. We, the Swarajist Muhammadans, are in a peculiar position. Our grievances are many, but we do not get any redress anywhere. It is said that the policy of the Government has always been to bring the Muhammadans over to its side, but we find that its policy has always been to throw the Muhammadans down to the mercy of the Hindus; for is not the administration of the country practically run by the Hindus? The high European officers under Government care very little

for the Muhammadan candidates when they approach them for service. I know from personal knowledge that Muhammadan candidates may break their heads against the walls of their departments, but the authorities will not listen. The result is that we are driven to seek the help of the Hindus. So it will be a suicidal policy on our part not to join hands with them and I think it is best for the country as a whole that we should do so to rescue our community from the dangers and difficulties to which it is subject. Therefore, we formed the Swaraj party to safeguard our rights and it is with a view to introduce a split into this party of Hindus and Muhammadans that this resolution has been brought forward. We should not ask anything from a bureaucratic Government, because we have been asking this very thing from them for many years, but to no purpose. Therefore, we have decided to take up another policy, and to frustrate this policy this resolution has been moved. Sir, if the Swarajists vote against this resolution it is bound to be defeated. Therefore, it would be all the more unwise for us—the Muhammadan members of the Swaraj party—to come out of it and vote for the resolution; and even if it be carried—although it is hardly likely that it should—it will not be given effect to, at least not in the proportion laid down in the resolution. It will perhaps take one hundred years to make up that number and during that time the Hindus, exclusive of the Muhammadans, will have acquired Swaraj and then we, left to ourselves, will not be able to partake or have a share in the administration with them. That is why we thought it best to form a party and we should stick to the creed of that party.

Fifteen or twenty days ago we implored Khan Bahadur Musharruf Hossain to withdraw his resolution in order to save the situation. He did not do so; and even when we brought forward an amendment and showed it to him, it was not accepted, we do not know why.

Mr. PRESIDENT: I do not know to what you are referring. There is actually an amendment on the paper. How can you say that it was not accepted?

Maulvi ABDUL GAFUR: I mean, Sir, that the Khan Bahadur did not accept the amendment we proposed to his resolution.

Mr. PRESIDENT: Then that is an entirely different thing. Please go on.

Maulvi ABDUL GAFUR: We drafted an amendment and showed it to him, but he would neither accept it nor withdraw his own resolution. He has brought forward this resolution only to make the situation difficult and bring us down in the estimation of the Muhammadan public.

As regards appointments, Sir, we know that they are made not by Government, but by the Hindus, because they are the high officers at

least in the districts. Therefore if we go away to-day from the Swaraj party and vote for the resolution the result will be that we shall estrange the feelings of the Hindus and always remain in their hands, and have to live miserable lives. I therefore still implore Khan Bahadur Musharruf Hossain to withdraw his resolution and save the situation. If he does so, he will not incur the censure of those Muhammadan members who think that the passing of this resolution will do good to the Muhammadan community. Let us wait and see what we can do with Swaraj, and when Swaraj comes I do not think the Hindus with Das as their leader will be in a position to play false with us.

MEMBER in charge of DEPARTMENT of LAND REVENUE (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): May I draw your attention to one fact, Sir, and it is this: when Maulvi Muhammad Nurul Huq Chaudhury delivered his speech he once mentioned Mr. Khaitan as "Khaitan" only. Now Maulvi Abdul Gafur mentions Mr. C. R. Das as "Das" only. I do not think it is proper.

Mr. PRESIDENT: I make allowances for the exuberant eloquence of speakers. Maulvi Sahib, you should not have referred to Mr. C. R. Das as "Das."

Mr. C. R. DAS: I do not mind it at all.

Maulvi ABDUL GAFUR: We will not allow the Hindus to play false with us or to deprive us of our legitimate share in the administration of the country.

In connection with this resolution, Sir, we may take two ways—either to remain with the Hindus and vote against the resolution or to remain with the Government. We had always followed the second course and done so to our disaster. Therefore, we do not wish to take such a step any more. I think as Swarajist Muhammadans, we should stick to our policy and should wait and see what happens. At the same time I would implore Khan Bahadur Musharruf Hossain to withdraw his resolution.

Mr. J. A. JONES: I rise to offer my condolence to the party opposite. (Hear, hear). It is always painful to see good men in adversity—unable to explain themselves and not quite clear as to what they themselves mean. When Mr. C. R. Das issued his pact, I confess that I was simple enough to be taken in by it. I said: "Here at least is a real statesman who sees that Swaraj cannot be attained until the differences between the Hindus and the Muhammadans have been settled and that the only way of settling them is to secure equal advantages for the Muhammadans in the employments and government of the country." I was a little distressed when somewhat later, we were told that this pact was not a pact but a subject for discussion. However, my faith revived when Mr. C. R. Das, in an interview, once more

affirmed that it was his firm belief that unless and until the pact was accepted there could be no Swaraj for India. Well, Sir, my friend over here has taken him at his word, and he has put on the paper a resolution which is briefly the pact: but I am greatly astonished to find that instead of having drafted a similar resolution Mr. Das has put down a motion that the discussion should be adjourned *sine die*. I find also that this movement begins to arouse the worst suspicions in my nature, because I recollected now that the pact is postponed for eternity or some other distant date, that it was introduced at the very appropriate moment, when Mr. Das wanted to secure the support of as many Muhammadans as possible (Hear, hear). We are now in the very unpleasant position of seeing the Swaraj party very much like a fraudulent company, which issues a misleading prospectus.

Mr. C. R. DAS: Thanks. I hope you are not the judge.

Mr. J. A. JONES: But when they are called on to deliver goods, they say that they regret that a section of the shareholders of the company are unwilling to part with them.

We have heard from one speaker opposite that this offer—this promise—will be fulfilled when Swaraj is established. It seems to me that Mr. C. R. Das finds himself very much in the position of the benign Government. What is Mr. Das's complaint against the Government of India? I think he admits or he ought to admit that the Government have promised and intend to give Swaraj. His grievance is that they will not give it now. He has promised to give the pact, but he takes care not to give it now. One other point, and curiously enough, the same reasons are given. I am astonished to find that this party has acquired all the tricks of the bureaucracy (Hear, hear) such as "the time is not ripe: public opinion is not ready." We have heard these statements from the Government benches, and now Mr. Das is complacently repeating them through his lieutenants. I should like to know exactly, and I will ask him to name the date when the pact is to come into operation.

Mr. C. R. DAS: Will you help us to get Swaraj?

Mr. J. A. JONES: Apart from other considerations, I am convinced that the resolution embodies a principle which is substantially correct. I do not bind myself to the exact proportion, but I maintain that through certain historical circumstances the Muhammadans have failed to obtain their fair share in the administration of the country and that it is high time that the balance should be made up (Hear, hear). If by the present methods of selection, which seem to be unduly academic, they are unable to obtain their fair share, then these methods

must be changed, and because I believe that the resolution is, in substance, a resolution of justice, I intend to vote for it.

Babu JOGENDRA NATH MITRA: I cannot admire the good sense of my esteemed friend, Khan Bahadur Maulvi Musharruf Hossain, for introducing the motion at a moment when all sections of the community are engaged in solving the great problem of devising means and methods for the attainment of Swaraj, the birthright of the human race. The parallel of this activity in the Council is the scene of two brothers quarrelling over a bronze trinket when their house is on fire. Undivided attention and application of all sections of the community forgetting all their communal grievances for granting Swaraj is what is urgently necessary at the present moment. My friend has given expression to an acute sense of dissatisfaction of his community owing to a smaller number of them being employed in the public services. But is the state of mind based on a sound appreciation of the condition of things in Bengal? True it is that the percentage of Muhammadan population in Bengal is a little higher than that of the followers of other creeds, but is it not a fact that the majority of the Muhammadans in Bengal are agriculturists who form the bold peasantry of the Province and who never think of entering the public services? The portion of the Muhammadan population who are competent to be employed in public services and at all think of being employed in public services is a microscopic minority as compared with the number of the followers of other faiths who are competent to hold public services and seek for the same? Has my friend taken the figure of the Muhammadan graduates and undergraduates who are already employed and unemployed and the figure of the non-Muhammadan graduates and undergraduates who are similarly employed and unemployed? I daresay the proportionate number of unemployed qualified men among the Hindus is far greater than the same number among the Muhammadans and my friend's apprehension of bitterness of feelings among the Muhammadans for paucity of the number in public services is rather imaginary than real.

It cannot be denied by my friend that this hankering after service cannot but foster slave mentality and consequent degradation among his co-religionists and he, as champion of his community, ought to be the last man to encourage this deplorable condition among the followers of his faith.

There is another point of view which should not be lost sight of in this controversy. The policy of advocating entry in the public services through the back door on the ground of communal representation would have the inevitable effect of demoralizing the Muhammadan youths. It would stifle their power of struggle for existence and what now appears to be a boon would in the long run prove to be a curse.

I need not dwell at length upon the criticism of the policy of communal representation as compared with the policy of open competition

in public service, as I fear such criticism may not be palatable to some of my friends here. I protest against this motion all the more strongly at the present moment as detailed discussion of its merits may lead to accentuate the race and caste feeling among the different sections of the community which all fair-minded men ought to try his level best to avoid for the attainment of the great goal of Swaraj.

The policy of communal representation, if once adopted in Bengal, which is populated by men of so many creed and castes, sub-castes and under sub-castes, will give rise to many complicated questions which cannot be easily solved. The depressed classes, the Kayasthas, the Brahmans, the Vaidyas, the Nabasaks and a host of other castes will come forward with their demand for communal representation and the Government will be beset with difficulties in giving effect to these demands of the communities. So I think it will be better for my friend the mover of this resolution to withdraw it at the present moment.

Mr. DEPUTY PRESIDENT (Major Hassan Suhrawardy): I would like to take this opportunity of saying a few words in connection with the resolution of my friend, Khan Bahadur Musharruf Hossain. I do not desire to discuss whether his demands are extravagant or not or whether the demands are impossible of being put into practice by Government or whether it is an inspired resolution cleverly put to show the hollowness of the much lauded Hindu-Moslem pact. I wish to say a few words about the representation of my community in the public services in this country. I for one believe in the revival of a spirit of enterprise of trade and commerce in my community. I would like to see Malikut Tujjars and Fakhrutjar amongst us—the merchant princes who were the builders and the bulwarks of Islamic power. The Alam procession of Haji Karbalia and Mirza Muhammad Mishki, the noble bequests in connection with the Hooghly Imambara of Haji Md. Mohsin are instances of what the Muslim merchant princes have done for religious and charitable institutions within recent times. I would like my community to be like that oppressed community—one of employers and not the employed—that oppressed community which my friend Babu D. P. Khaitan so worthily represents. It is difficult of attainment or it might take a long time to materialise. Meanwhile I find that unemployment is staring us in the face and the Muhammadan community is suffering very badly from it and therefore I would like to advocate adequate representation of my community in all the services, although, as I have said before, I would like to see them as employers of, rather than as seekers of, service. In my manifesto on the eve of the election I said:—

I am of opinion that the Muslims will remain a dead weight on the wheel of progress unless they are helped by other communities to obtain the benefits of Western education in order to bring themselves up to the level of prosperity and contentment enjoyed by their compatriots.

One of the surest means of ensuring contentment is by solving the bread problem amongst the Muhammadans, who are admittedly poor. I also said:—

For the above reasons I am of opinion that Muslim youths should be given special facilities for admission into schools and colleges for obtaining cultural as well as vocational education. An adequate representation of the Muslim community is for the same reasons necessary in Government, Railway and Mercantile service and industrial undertakings.

It has been said that Deshbandhu Chittaranjan Das has thrown this pact as a bait to the Muslim community. I for one do not consider that a bait has been thrown out by Mr. C. R. Das to the Muslim community in order to keep them within the fold of the Swaraj party (Hear, hear). Mr. C. R. Das is a statesman gifted with foresight, and as a broad-minded man of culture, I believe, he has no communal prejudice. He realised that the just and adequate claims of the Muhammadan community must be satisfied in order to attain Swaraj. I cannot imagine of any nationalism which ignores the just claims of the Muhammadans who form 55 per cent. of the population. What nationalism can there be which will not take into consideration the political importance and the numerical strength of the Muhammadans of this Province? If any nationalist thinks that it can be attained without the Muhammadan element being adequately and effectively represented in the services, I am afraid, he is not gifted with any political vision and in spite of his being a graduate or in spite of his having obtained education in a university, he is a narrow-minded bigot. The Muhammadan community so far has not got the chances which it deserves. Even Government, in its solicitude to do justice to needs of the Muhammadan community, had ruled that only one-third of the appointments should be given to Muhammadans. If a larger and larger number of Muhammadans be not taken into the Government services, the one-third basis will never answer our requirement nor satisfy our demands. We are not in the rates of one-third in this Province. On the population basis we are 55 per cent. Even the Lucknow pact, which at the present moment stands condemned as an obsolete thing, gave us 40 per cent. representation. That basis of one-third was inaugurated in the year 1885 and revived from time to time whenever it was necessary to conciliate Moslem feeling—as for instance, during the agitation following the partition of Bengal or during the war or the non-co-operation movement or at the present moment when the Muhammadans hold the balance of power in the Council. This is by no means a just proportion. But we find that even this one-third recruitment in Government service is honoured more in the breach than in its observance. In the High Court and the Judicial Department we find that the Muhammadan munsifs and subordinate judges are in a hopeless minority. In the University of Calcutta we find that there are no Muhammadans in the superior grades of services in the offices. My community is represented only by a few duftries.

We certainly want that the needs of our community should be safeguarded and should be satisfied in a just manner, and therefore the pact which the Swarajists propounded will do at least one good, even though it might be ineffective and might not be given effect to till Swaraj is attained. The Khan Bahadur had done a wise thing in bringing this resolution, as it has given an opportunity to the Muhammadans to ventilate their views in the Council; and as the Hon'ble Sir Hugh Stephenson said, Government would be very glad to have the whole subject ventilated in the Council as a whole, so that Government might know what was the considered opinion of the House in regard to it. When the Council had given the Government the guidance which it needed, Government, as a whole, would consider it; and the Hon'ble Sir Hugh Stephenson also said that because the Government included three Muhammadan Members, the claims of the Muhammadan community would be put fairly strongly before the Government in its cabinet meeting. We hope that the Government in its revisional powers will so alter the one-third basis as to ensure to the Muhammadan community a just, adequate and equitable representation in all the services.

Babu MANMATHA NATH ROY: I had no desire to speak on this motion, but I find that the *bona fides* of the party to which I belong has been questioned, and I cannot remain silent. It has been said that the pact was a mere bait. In other circumstances, I would have ignored this statement, and treated it with the contempt that it deserves, but there is the danger, there is the likelihood of this suggestion creating a wrong impression, and I hasten to repudiate this suggestion, and disabuse the minds of my Moslem friends of any misapprehension. We welcome and appreciate the spirit and the policy of this resolution. We have the utmost confidence in Hindu-Moslem unity and we sincerely believe that mutual good-will and understanding are essential to the maintenance and preservation of that unity. Call it by any name you will, call it a bait if that will please you or if that suits you, call it by names even harder—you cannot disturb far less destroy the foundation on which it rests. But much as I would have been inclined to support this resolution, I feel that it is misplaced and mistimed—misplaced because we do not want our domestic differences to be settled by outsiders, and mistimed because Swaraj has not yet been attained. In these circumstances, I appeal to my Hon'ble friend the mover not to press this resolution. I can assure him that the time is not far off when we, Hindus and Moslems, shall be in a position to settle our mutual differences without interference or wire-pulling by intriguers.

Kumar SHIB SHEKHARESWAR RAY: It is rather painful to take part in such a discussion in which nothing but communal jealousies and communal recriminations are given a most undue and undeserving prominence. And, Sir, it is still more deplorable that such a matter has been broached at a time when all sections of the people, specially

the most politically minded of them, are eagerly and sincerely trying for a solution of the thing which is a festering sore in our body-politic.

One of the greatest leaders of our people, has, by a bold stroke of genius, in spite of much heckling, in spite of much abuses being heaped upon him by some of his countrymen and co-religionists, espoused the cause of the Muhammadans and has suggested a cure for this noxious thing. And let me tell you, Sir, that it is not a mere quackery nor the decree of an autocrat, for the results of the recent bye-elections after the formation of the pact in highly advanced Hindu constituencies like South Calcutta and Jessore and in which the pact was one of the important issues, have clearly shown that a majority of the Hindus in the country approve of his courageous action. But it is a thousand pities—it is a pity of pities—that before that great leader has been allowed time to secure his ground and to make his counsel of conciliation prevail in the country, this matter has been brought to rouse those very communal jealousies and to cut the ground from underneath him. And by whom Sir, has this motion been brought? By one who has been fortunate enough to secure a Khan Bahadurship——

Mr. PRESIDENT: Kumar Sahib, after all you are a Kumar and the same remark might be made about you. This is not worthy of you

Kumar SHIB SHEKHARESWAR RAY: All right; I omit that: at least who had never taken any prominent part in politics, who in every division in this Council Hall, we have ourselves seen, invariably votes against the majority of his countrymen and co-religionists. Sir, his motions we could have afforded to ignore but behind this the cloven-foot is plainly visible. It is an inspired thing, inspired not by a well-wisher of the country, but by those who in their inordinate love for the present form of Government by favouritism, is afraid of any amity between the Hindus and Moslems, and true to the hide-bound traditions now seeks to sow fresh seeds of dissension and discord. Sir, this is a motion not by any of the party who really seek Hindu-Moslem unity and further the cause of Indian nationalism, but is the work of the withered hand wanting to wield this decrepit Government machinery lubricated by Hindu-Moslem strife.

Sir, I do not belong to the Swaraj party nor am I am a party to the Swaraj-national pact, but to the underlying principle of this clause of the pact, which seeks to do nothing more than justice to the Muhammadans, I fully subscribe. And we irrespective of our class or creed, the Hindus and Muhammadans, the twin sons of Mother Bengal, have taken upon ourselves to set the wrong right. That is the whole history of the pact. I do not know where the baiting lies here unless the baiting referred to by my friend Mr. Khaitan was discovered with the characteristic bargaining instincts of his community. Sir, baiting and

bargaining are the game of those who take pride in exploiting the helpless, and not of those who want to serve their motherland. Why then force our hands and make an inopportune attempt at extortion. Neither Sir Abd-ur-Rahim, nor Sir Hugh Stephenson nor Mr. C. R. Das, nor we here in this Council Hall can be the sole arbiters of our fate, irrespective of all considerations of the country outside. I would ask the House to consider that amongst the Hindus there are fanatics, and we in our endeavour to realise this clause of the pact, which as the noble leader has said repeatedly, must be carried out, shall have to carry the country with us and convince the fanatically minded Hindus of the justice of the thing. It might be a paying game to some to alternately set the Hindus and Muhammadans at one another but a true lover of his motherland must conciliate both, secure justice for all and build up a united Indian nation. Sir, it is for the first time in the history of the British administration of Bengal that the Hindus and Muhammadans in equal numbers have flocked under a common banner to fight a common cause and I appeal to my colleagues here to give that noble band of selfless Hindus and Moslem some time to consolidate the ground and not raise an undue amount of umbrage at the very outset. I appeal to the members of this House to appraise the worth and motive of the Khan Bahadur's resolution and to refuse to support his insidious, invidious and ill-timed demand

Maulvi EKRAMUL HUQ: Mr. President,—The Kumar Sahib in his speech has informed the House that the Khan Bahadur is not known to fame, and that he has brought this resolution at the instigation of somebody. Let me tell the Kumar that very possibly he was running into the lap of his nurses when the Khan Bahadur had a seat in the Council Chamber. (A Voice: "When was that?") It is a pity, Sir, that the Kumar Sahib sees the hands of other persons in the demands that the Muhammadans are making and are emboldened to make because of the pact that has been inaugurated in this country. Sir, as far as the resolution is concerned, we are to consider three things. First, if we should accept the resolution; secondly, if we should reject it; and thirdly, if we should make some modifications in order that the resolution may be accepted. For myself, when I saw this resolution, I immediately concluded that of all persons, the members of the Swaraj party will be the first to come forward to support it and see this resolution through. I hoped and I still hope that after the appeal made by Khan Bahadur Musharruf Hossain the leader of the Swaraj party, Mr. C. R. Das, he with his matchless eloquence, would transform the whole House into the united supporters of the Muhammadan demand. But, Sir, I find to my regret that Mr. Das himself has put in an amendment which aims at shelving this resolution *sine die*. I do not know what this means. My friend Mr. Khaitan says that the pact was nothing but a bait to catch Muhammadan members of the Swaraj party. I

never believed that, and can never believe it so far as Mr. Das is concerned. I know, my country knows, of the sacrifices Mr. Das has made for the country, and he is a man who cannot and should not be accused of insincerity. But there are many things which could be said against Mr. Das. He at least suffers at times from weakness. When there was a howl raised by the members of the Hindu community that the Hindu-Moslem pact was a mistake, and that they were not at all willing to support it, Mr. Das had immediately to say that his was a mere suggestion. Sir, as I was anxious to know the views of the Swarajists and other persons of the Hindu community I attended the meeting at Mirzapore Park. Some gentlemen said that the pact could not be conducive to the welfare of the country. Mr. Das had to say again that his was a mere suggestion and if the Hindu community had any other suggestion to make, let them come forward and the matter would be decided. If I make a pact, it is my duty, my sacred duty to stick to it. If the country go against it and think that to be a political error, then what is left to me is to walk out of the political arena. This is another weakness which he has shown; and yet another weakness he has shown by moving that the consideration of this resolution be postponed *sine die*. Does he desire that the Muhammadan community should get adequate representation, representation to the extent of 55 per cent? Then he ought not to have suffered from lapse of memory when he told us while giving his constructive programme that he would be willing to give 30 lakhs to Muhammadans as scholarships and another 30 lakhs for the students of the depressed classes. Why did he not remember that the Muhammadans were about 5 times larger in number than the members of the depressed classes? If the depressed classes could be given 30 lakhs, in all sincerity and according to the pact and according to their number give the Muhammadans their full share. It is necessary when you have made a pact, to see that the Hindus and Muhammadans unite, you should not leave any room for anyone to misjudge you. Sir, I wished and I still wish that Mr. Das would come forward and say that he supports this resolution in its entirety.

I am afraid, Sir, that the talk of some of the members of the Swaraj party, particularly of Maulvi Md. Nurul Huq Chaudhury who has said that we ought to wait for our proper share till Swaraj is attained, has not the merit of sincerity at all. Then what of this pact? Do you think that the Muhammadans are entitled to what is given them in the pact or is it that the members of the Swaraj party were compelled to accede to it because some of the Muhammadan members of the party insisted that it should be 55 per cent.? If this is so, then certainly you ought to say so now. But if you actually think that the Muhammadans are entitled to 55 per cent., then it is our duty to see that they should get that right from now and no one has any right to refuse it from this very moment. (A Voice: We cannot ask the bureaucratic Government to do so.) You have begged that Government to release the political

prisoners to repeal the repressive laws. This is what I ask that party to remember. If you think that they have got that right, that they should be there in that proportion, you have no other alternative but immediately to say so and grant that right, and then it will be for the members of this Government to decide whether they would grant our united demand. It has been said by some of the Swaraj members that it is the Government which is to blame: that Government has done absolutely nothing so far for Muhammadans. Is this so? There is the resolution of 1885 and again of 1914, and many other resolutions. If these have failed it is because it was of the underlings who do not carry out the dictates of the Government, and who did not like to carry them out. It has been said by Mr. Abdul Gaffur that if the members of the Hindu community get the power they will be able to give us our rights. It was pointed out by some of my friends here, particularly by the Deputy President, that there is the Calcutta University which is in the hands of the Hindus; have they given us a fair share? The answer is "No." Then there is the Corporation of Calcutta on which our representation is totally inadequate rather nil in the services. The Muhammadans have never got their proper share in the Corporation. So it is quite plain that we have not got justice from the Hindus. We do not care as to what the Government or the Hindus intend doing for us, what we want is our full and proper share. All we want is that if you actually believe that the Muhammadans should have a particular place or are entitled to a particular right, be frank, be candid and give it to them straight. That is all we want and nothing more or less. Why propose postponing this resolution *sine die*? Is it because some members of the Swaraj party have said that this matter will have to be considered again by the Hindu community? To that my answer is that be sure that the Hindu community will never accede to this demand. Don't you remember that when the Hindu Mahasabha met at Benares—I think it was one of the biggest gatherings in the whole of India—they resolved unanimously that they could not agree to the pact? There was present Pandit Moti Lal Nehru, that great man, the leader of the Swaraj party; I saw the report in the *Amrita Bazar Patrika* written in very small type. (A voice: Don't believe lying newspaper reports.) I saw that they had rejected that pact, and did not like to act upon it. We need not go so far; even in Bengal, we have it on the authority of Sir P. C. Ray, who is respected both by Hindus and Muhammadans alike, that the country I mean Hindu community is not to accept that pact. I would ask Mr. Das to remember that as soon as Swaraj is attained he will be cast like froth to the shore and he will not be the dictator of the country, for it must be remembered that it will be the duty of the Hindu community to look to their own interests and not to the interests of others of which they have given sufficiently clear indications.

It has been said by a Hindu member from Jessore that we get sufficient employment as tillers of the soil, and that it is the members of

the Hindu community who do not get sufficient employment. It might be true, but to that I say, why don't you also cultivate your land? Take a share there and give us our proper share everywhere. That is all we want. That is the situation, and I hope the members of the Swaraj party particularly the great leader who is respected both by Hindus and Muhammadans alike, should think seriously whether they should not immediately accept the resolution. All we want is our right place. Give us that and you will always find us fighting the battles of our country's freedom with equal if not greater vigour.

Mr. EDWARD VILLIERS: I wish first of all to ally myself with Mr. Jones when he extends his sympathies to Mr. C. R. Das for the unfortunate dilemma in which he has been placed by some of his lieutenants who appear to have spent themselves in their attempt to pile Pellion on Ossa in creating difficulties for Mr. Das to extricate himself from; and I fear he will find this a somewhat difficult task. One speaker, a Muhammadan, says, so far as I can make out, that he prefers to get Swaraj from the Swarajists since he thinks that thereby he will be able to keep a better eye on his dishonest Hindu friends in the event of subsequent trouble.

In considering this resolution the European group—and I think I am entitled to speak on their behalf—find themselves to a certain extent on the horns of dilemma inasmuch as on the one hand they disagree fundamentally with the laying down of any further definite and specific percentages to be adhered to, irrespective of the consideration whether these percentages can in fact be worked up to or not. We object indeed very strongly to saddling ourselves with any further specific percentages, leaving alone such a high percentage as the 80 per cent. which plays such an important part in the resolution. Indeed, in this connection I find myself to a certain extent in agreement with Mr. Khaitan when he raises the hypothesis that this percentage has been taken by Mr. Das as a bait; it is true that the Kumar Sahib says that he cannot see where the bait lies. I suggest that the possibility of his being unable to see where the bait lies is because a good deal of it has already been swallowed. This is one horn of the dilemma. The other one is this, that although we are strongly opposed to percentages, we think that the Muhammadans of this Province should unquestionably be given a greater percentage of the patronage of Government and of the Province generally and we feel this very strongly indeed. And it is the wish of the European group that we should leave no stone unturned to impress upon the Government the very strong feeling that we have that they should translate their words into action in the matter of giving a greater percentage of appointments to the Muhammadans.

Maulvi Md. NURUL HUQ CHAUDHURY: Example is better than precept. How many Muhammadans do you employ?

Mr. PRESIDENT: No one interrupted you, Maulvi Sahib, when you were speaking.

Mr. EDWARD VILLIERS: I could give my friend on the opposite the assurance that we employ many thousands of Muhammadans.

Be that as it may, broadly speaking, the difficulty which the European group find is that on the one hand they have the strongest objection to any percentage being fixed, on the other they consider that a greater amount of patronage should be given to the Muhammadans. It is our intention to support this resolution because we wish to impress upon our Muhammadan friends that we intend to do all we can to impress upon Government this particular point, even to the extent of sacrificing a principle which we hold very dear, namely, our unwillingness to tie ourselves down to definite percentages until such time as this definite percentage can be translated into action.

Mr. C. R. DAS: I rise to move, by way of amendment, that the further consideration of Khan Bahadur Maulvi Musharruf Hossain's motion be adjourned *sine die*. I am not well enough to take part in this very important debate but the importance of the question raised is such that I thought it was my duty to come here and take part in it. Sir, I have heard so many reasons advanced from so many directions that I wonder whether the members concerned cared to read the pact which they discussed and criticised. In fact, the whole controversy is clouded with, if I may say so, profound ignorance. I may assure this House that I for one and the whole of my party admit that the Muhammadans do not enjoy a proper share in the administration of this country (hear, hear), and whenever the time comes my Muhammadan friends will see that we are true to our word. In fact, Sir, some of the members have said that they do not agree to any percentage being mentioned in the resolution but they appreciate the spirit of it. May I say that I entirely agree with them, but how is it that not one of them has come forward with an amendment to that effect? It is very easy. If any such amendment had been put forward before the House, Hon'ble members would have found that I would have agreed with it and the whole of my party would have voted for it, and, in fact, the mover knows that that was the idea at one time.

Mr. EDWARD VILLIERS: We did propose a resolution some three days ago but it was disallowed.

Mr. PRESIDENT: There is no foundation for any such statement. I must make it quite clear that the only amendment that was submitted to me was the amendment which stands in the name of Mr. C. R. Das.

Mr. C. R. DAS: Sir, I desire to point out how I was compelled to put forward this amendment. It seems to me that there is some misapprehension somewhere. On the last occasion when this resolution was about to be taken up Khan Bahadur Maulvi Musharruf Hossain spoke to me and asked me whether I would have any objection if the resolution is couched in general words without mentioning any percentage. I said "Certainly not." And an amendment was written out then and there and I was told by Babu Jatindra Nath Basu that he had taken it to the President and the President objected to it because a definite percentage was not mentioned.

Mr. PRESIDENT: I think what occurred was that the amendment was taken to the Secretary. If it had been submitted to me I would have passed orders on it.

Mr. C. R. DAS: I confess it was not done formally but sometimes we take your decision in that way. I was merely stating what was brought to me, and upon that I thought that if an amendment like that could not be proposed, the only thing that could be done was to move for the adjournment of this resolution *sine die*. But even now if any amendment like that is allowed to be made, and if you are agreeable to it, I am perfectly agreeable to accept that amendment. But if it is not done in that way, the only course is to move the amendment which I have done.

Now, Sir, I need not read the amendment because it is on the paper and it is merely for adjournment. What is the object of this resolutions. Is it really for the purpose of giving to the Muhammadans that to which they are entitled? Why? We heard from the Hon'ble Member in charge that it will take some years more to give them the 33 per cent. in the way they propose to give it. Supposing you pass this resolution, will you get your 80 per cent. within a measurable distance of time? When do you think you will get it? I am afraid, I am sorry to have to say that there is something behind this resolution. I distinctly see behind this resolution the shadow of a shadowy Minister and the radiance of a greater personage. Sir, was it your direction or was it some blind malicious chance which drove my friend the mover and his supporters into what may be called the official block of the House the other day?

Mr. PRESIDENT: It was under my direction, in order that you might hear what he said.

Mr. C. R. DAS: But in any event it was most appropriate. You must remember the time when this resolution is put forward before the House. We have a great struggle before us on the budget, and it is necessary to lure—I am only quoting the very words which have been cast in my

face—to lure some of the Muhammadans away from Swaraj party and the Nationalist party, and possibly this is a bait. I do not think it will succeed but that is what is intended that it will take away some Muhammadans from us because directly you say that the community will be benefited—whether the community will be benefited or not is another matter—but directly you say that the Muhammadan heart is stirred.

Now, Sir, I wonder whether it is the appropriateness of 80 per cent. of the posts being given to the Muhammadans which is in issue or what is known as the Bengal Hindu-Moslem Pact. I have heard a great deal about the difficulty in which I am placed. Mr. Jones in his usual style was most sympathetic. He is always sympathetic to me, and I thought he did me the honour of reading my speeches, but to my surprise I find that he has not read the very pact which he took upon himself to discuss. May I explain what it is. While I adhere to every word of this pact and when I solemnly promise to see that it is carried out in this Province and to get the whole of Bengal to support this—it may be with slight modifications here and there—I cannot accept this resolution because it cuts away the very ground upon which this pact is based. For those who are ignorant of the pact may I read the fundamental proposition and the preamble to it?

It is resolved that in order to establish a real foundation of self-Government in this province, it is necessary to bring about a pact between the Hindus and Muhammadans of Bengal dealing with the rights of each community when the foundation of self-Government is secured.

The fundamental idea is to secure the foundation of Swaraj and in order that no misapprehension, no doubts may arise as to whether it is going to be a Hindu or Muhammadan Raj, we lay down in this pact the share of each community in the self-government which is to come. I think the idea is perfectly clear. As Swarajists we have always been opposed to the way in which the Government deals with our rights. I never for a moment say that the Government is pro-Muhammadan—no, nor are they pro-Hindu, nor are they anti-Muhammadan, nor are they anti-Hindu. But they are either pro-Muhammadan or pro-Hindu whenever occasion requires it, and they do that part of the work with the most exquisite impartiality (hear, hear) and that is what is being sought to be done now. I object to anything being taken from Government now either by the Hindus or by the Muhammadans. If we have any self-respect in us, we ought to say that we would sacrifice everything and we shall stand still till our rights are recognised. One Muhammadan friend of mine observed just a few minutes ago that the rights of the Muhammadans are to be recognised by the Hindus. May I point out to him that neither the Hindus nor the Muhammadans enjoy anything which may be called a right in this country? (Hear, hear.) We have no rights. We want to secure our rights—the fundamental right of self-government. I want the Hindus and the Muhammadans to fight

shoulder to shoulder and to remove all distrust. I say that when the self-government comes, it must come with this constitution which is set out in the pact. That is the constitutional charter of the federation between the Hindus and the Muhammadans. Is it very difficult to understand that? Although I admit that the Muhammadans have not got their just share in the administration of the country, I want them to be a little patient and to fight for Swaraj which alone can deal with our rights. I deny that Government can deal with our rights—I absolutely deny the proposition; I never believed it and I do not believe in it now.

Then, Sir, it has been said that I offered this bait to lure some people. May I point out to those who may have by chance followed my speeches in the newspapers that for the last five years I have been thinking of this great idea and have been expressing it and I have been pointing out to this country almost in every province that the only foundation for self-government is the federation of Hindus and Muhammadans, and on this occasion the Swaraj members were all elected before one word was said about this pact—they were all elected as Swaraj members? Might I point out another fact, namely, that the suggestion did not come from me—it came from Muhammadan leaders?

Dr. A. SUHRAWARDY: It came from a Member of the Government.

The Hon'ble Sir ABD-UR-RAHIM: It is a false suggestion.

Dr. A. SUHRAWARDY: Nobody mentioned his name—(*Thakoor ghore ke, ami kala khai ni*).

Mr. C. R. DAS: I am not giving out any official secret. This is what Mr. Abdul Karim writes: "It will be further seen"—I think the Hon'ble Sir Abd-ur-Rahim knows this gentleman—"It will be further seen that it was not Mr. C. R. Das who first moved in the matter with a view as supposed to court the support of the Mussalman members of the Bengal Legislative Council. On the contrary, the proposal in its inception came from the other party concerned and was developed into its final form after careful deliberations on both sides." Then later on—"On my return to Calcutta I had an interview with Mr. C. R. Das at which Mr. Nasim Ali and Sj. Bijoy Krishna Bose were present. I was glad to find that Mr. Das was inclined, unlike many of his short-sighted co-religionists, to take a long view of the situation. I called at Mr. Das's house with a draft of the proposed pact drawn up in consultation with some of the leading Muhammadans—Maulana Abdul Kalam Azad, Maulvi Nasim Ali, Maulvi Wahed Hossain and others—who took part in the discussion which ensued and lasted for over two hours. As a result certain definite terms were agreed upon." Therefore, I think this answers the somewhat foul charge brought against me that I have had recourse to a

pretence in order to get the Muhammadan members of this Council to my side. Sir, in the whole history of my political life I have never had recourse to any pretence whatsoever. I believe in the pact and I believe in it as firmly as I believe in any article of my faith. I know that when you come to the arena of practical politics you are likely to be branded in that fashion, but I hope in the fullness of time I will stand vindicated before the whole country and I believe that my countrymen will then see that I have been striving for a great idea—a great ideal—a real federation between the two communities which alone can be the basis of our greatness.

Now, Sir, there is just another point and I have done. It has been asked—is it a pact or is it a suggestion? Mr. Jones was very much puzzled over it and so were some of the other members who took part in the discussion. Now what is a pact and what is a suggestion. So far as the Swaraj party is concerned and the members of the Swaraj party who signed this pact it is a concluded pact with them and they have taken upon themselves the charge of putting it before the whole country. Could any pact be framed by any community by any association however great which can be regarded as a concluded pact for the whole of the community until and unless it is discussed and placed before the country and accepted by it? It is a pact, a concluded pact, so far as we are concerned: it is a suggestion, Sir, for the country to adopt. I have got no doubt in my mind that the country will accept it. Those who are doubtful I challenge them to call a public meeting anywhere in Calcutta in any place except in Burra Bazar and I undertake to get the resolution passed by an overwhelming majority. And I intend shortly after the budget discussion is over to go over the whole of Bengal and I have not the slightest doubt in my mind that Bengal will respond to this great idea. But, Sir, I appeal to my friends not to destroy this pact. The reason for not my being able to support this resolution is that I stand firm on the fundamental position of the pact, and it is for that reason that I have put forward this amendment.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Maulvi A. K. Fazl-ul Huq): I did not wish to deliver any speech, but after what has fallen from Mr. C. R. Das, I wish to put one or two questions to him in order to clear up one or two misgivings in my mind.

[At this stage the Hon'ble the President left the Chamber and Kumar Shib Shekhareswar Ray took the Chair.]

Mr. Das says that this pact—or whatever else you may call it—will come into force and active operation after Swaraj is attained. That is the fundamental basis on which this agreement was arrived at. I w[illegible] to ask Mr. Das—suppose after Swaraj is attained, the Hindu mem[illegible] resile from this agreement, how are the Muhammadan members to enforce

the pact? That is question number one. Question number two is this. Mr. Das gives us a promise that he will get the whole of Bengal to accept the pact. I ask Mr. Das in all seriousness—has not the Hindu community as a whole repudiated this pact in no uncertain terms? (Cries of: "No," "no.") It is no use interrupting me. The broad fact is that the whole Hindu community, or at least the majority of it, has repudiated the pact. (Cries of: "No," "no.") Whenever I rise to speak I am interrupted like this. Question number two I put to Mr. Das is—if he feels so confident that he will get the whole of Bengal to accept the pact, how is it that a very large number—I am prepared to qualify it to this extent—of Hindus has repudiated this pact? Now, Sir, these are two questions that I want to ask, and after I have got an answer, I hope you will give me time to speak on the matter.

Mr. C. R. DAS: If I am allowed to answer these questions, I shall be pleased to do so.

The CHAIRMAN (Kumar Shib Shekhareswar Ray): After the Hon'ble Minister has finished.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: Question number three is this. The member from Jessore—I am speaking from my notes—has said that the Muhammadans have not got their fair share in the administration of the country because most of them are agriculturists, *ergo* they are uneducated, therefore, they are unfit, therefore they do not get posts. There are some Swaraj members who said that they did not want the Muhammadan Arts College because the Muhammadans were so advanced that there was no necessity for an Arts College. Now we hear they are so uneducated that they are not considered fit for holding public appointments. Now if it is a fact that the Muhammadans are not going to get a fair share of Government appointments because they are agriculturists, are they to cease to be agriculturists when Swaraj is attained? Therefore, my question number three is this—if the Muhammadans are not going to change into something else, how is it that Mr. C. R. Das will give them 55 per cent. of the posts in public service?

Mr. S. C. MUKERJI: This resolution is an unholy offspring of an unholy pact, a pact conceived in an unholy moment under an unholy inspiration. No wonder that the pact leader of the Swarajist party is most anxious to have this resolution postponed *sine. die*. He is engaged in a game of *political* manipulation. Such a pursuit is entertaining no doubt, but it is a very dangerous game. You cannot play with the destinies of 25 millions of people.

The pact of which this resolution is only a necessary corollary was the product of the fertile brain of Mr. C. R. Das. He regarded it as a mighty strategic move to bring about a deadlock in the Bengal Council. He knew very well that to achieve this glorious end he

needed the help of Muhammadan votes. He knew not that the Muhammadans were going to test his sincerity and to bring up a resolution of this character at such an untimely hour when the pact leader was entertaining high hopes of overthrowing the budget altogether.

And, therefore, this amendment, this resolution must be postponed. At all cost the taking of the division must be avoided at least for the present. At least before the discussion of the budget.

I hope the amendment will not be carried. The resolution ought to be discussed and decided on its merits.

A full and frank and impartial discussion of this resolution will ruthlessly expose the followers of this stupid pact.

The CHAIRMAN: Professor Mukerji, you must withdraw the word "stupid."

Mr. S. C. MUKERJI: Is it unparliamentary, Sir?

The CHAIRMAN: You must bow to the ruling from Chair and first withdraw that word.

Mr. S. C. MUKERJI: I may say foolish.

The CHAIRMAN: You must withdraw the word "foolish."

Mr. S. C. MUKERJI: I withdraw the word "stupid"—I withdraw the word "foolish" and I substitute the word "mischievous."

It is very necessary to show the unjust and iniquitous nature of this resolution. The demand made in this resolution is rather fair, not just, nor based on justice, equity and good conscience. It does not take into account the many millions of Hindus who form practically half the population of Bengal. It does not take into account the minorities at all. There are very important minorities—steadily growing minorities. A resolution of this character is bound to be a prolific source of mischief. It will create bad blood. It will create an unbridgable gulf between one community and another. It will lay the axe at the root of that national solidarity, a consummation which we—all of us— are devoutly praying for.

In the matter of the allocation of Government posts—*population is not the only test*. It is certainly one of the tests and it must be taken into consideration. Our Muhammadan brethren are certainly entitled to have their claims fully recognised and that *immediately*. They cannot wait for a Swaraj which is in the womb of futurity, the character of which has never been defined—nay, it is something which cannot be defined. They cannot be expected to pledge their votes *now* on the supposition that a certain pact will be given effect to at some future time—when a Swaraj of a particular type will come into being. The mover of this resolution has brought it up as a test resolution. He

wants to know the feelings of the members of this Council in the matter of this important question. He wants to know how the Government is going to take it. He wants to know how the country is going to take it. He wants to know how the Swarajists are going to take it.

It will be very wrong—very wrong indeed—to have a decision on this important resolution baucked by a mischievous amendment.

In my humble judgment 40 per cent. of the appointments ought to go to the Muhammadans; 35 per cent. ought to be reserved for the Hindus; and the remaining 25 per cent. ought to go to the minorities and the backward classes. We want to see balance and fairness and justice behind a policy which will deal with the allocation of Government appointments. The Government of the country is expected to be just and fair and impartial to all communities alike. Government has got to be very very careful in the matter of this allocation of these appointments. The claims of the various communities—not simply of the clamouring parties—must be very carefully considered, and Government must arrive at a decision which should faithfully reflect the considered judgment of the whole Province and not simply of one or two particular communities.

I hope the amendment will be thrown out and the resolution decided on its own merits.

Dr. H. W. B. MORENO: I have followed the whole trend of the debate with full attention. No one is more deeply interested than myself, because I represent the Anglo-Indian community. Mr. C. R. Das has told us of a coming "Swaraj" where Hindus and Muhammadans will divide the spoils, where their interests will be protected, where everything will be done for the welfare of either the Hindus or the Muhammadans. Now, Sir, I do not wish to say a word about these larger communities, but I was rather surprised to find that in all the debate no provision has been made for such important minorities as the Anglo-Indians.

Mr. C. R. DAS: On a point of personal explanation, Sir. I am afraid Dr. Moreno is under a misapprehension. We are dealing with a particular subject in a particular way and therefore there is no reason to suppose that provision for important minorities such as the Anglo-Indians should not be provided for.

Dr. H. W. B. MORENO: I am not very satisfied with an explanation of that kind. Sir, we are told that when things, such as pictured by Mr. C. R. Das, come into existence the people will see later on what they can do for us as Anglo-Indians. Under the present system however, we have important minorities protected, we have two Anglo-Indian elected representatives here in this Council representing the community, and we have a definite provision already made in the

Government services for members of the community I represent. I shudder to think what will happen to such important minorities when "Swaraj," as proclaimed by C. R. Das, will come into being. What we want is that every facility should be given to minorities in the scheme so loudly proclaimed and we want this to be definitely demarcated; for we realise, so far as things are at present, we are certainly having our share. It has been well said by an old proverb that when the tigers growl and fight for their prey, the jackals stand behind hungry. I imagine that is about the condition of things now. I am in favour of allowing anything in the way of dividing altogether the spoils of office for one large community or another, while such an important minor community as the one I represent is left out of consideration altogether. I cannot, therefore, agree with the remarks made by Mr. C. R. Das, which make no provision at all for minorities such as I represent in this Council, nor do I agree with the resolution.

Maulvi SAYYED SULTAN ALI: Our Hon'ble friend the Khan Bahadur has taken one of the items of the pact and has brought forward this resolution. Much has been said for and against the resolution. Consequently I do not like to discuss the whole thing in detail but confine myself to a few points. What surprises me most is the fact that one of our Swarajist friends has offered his advice gratis to his Hindus and Muhammadan Swarajist friends not to try to secure Government appointments as it is calculated to bring in slave mentality. That is the piece of gratis advice that my hon'ble friend has given. If my friend sincerely believes that entering into Government services brings in slave mentality then, Sir, my humble suggestion to my friend would be that, instead of trying to obtain Swaraj, it is his first duty to go out to his community—men, who are in Government services—to free them from the bondage of slavery and then try to free the country. That much about the gratis advice of my friend.

Then there is another thing. Of course, the fundamental principle, as has been read out to you by our party leader, is that the pact will be given effect to when Swaraj will be attained. Regarding that, I raised objection in our party meeting and I am not going to say what was the decision. I would only give out the idea that I entertain regarding that point, and it is simply this: if we are of opinion that the Mussalmans should get 55 per cent. of the Government appointments as a matter of right and 25 per cent. more for the time being in order to make up the deficiency, then my humble suggestion in this respect is that it should be conceded at once. Once admitting that one wrong is being done to a particular community, it should not be continued any further; but if we are of opinion that it would be given to Muhammadans as a reward for their constitutional fight, then it is simply proper that it should be postponed till that fight is over. I believe that neither our party leaders nor we are of opinion that it is going to be

given to the Muhammadans as a reward and not as their just and legitimate right. My Swarajist friend has also said that if so many percentages are to be given to the Muhammadans what would happen to the unemployed educated Hindu young men in Bengal? There, I say, Sir, that it is mistaken. You have millions of educated men in the country in your own community and this does not constitute any valid ground for excluding any section of a particular community, more especially, which forms 55 per cent. of the total population of a particular province. If you have got your surplus men you must devise means for their maintenance and solve their bread question instead of precluding a particular section—the most important section in a province—from getting into Government services.

Another thing. Our leader has admitted that if the resolution had been brought forward in the form suggested that a larger number of appointments should be given to the Muhammadans, it would have been acceptable by this House. If that be the position which our leader takes, then I must say that it is not inconsistent even if we pass this particular resolution. But, Sir, there is one thing which prevents us from doing it. Most of us are lawyers; and a lawyer, having an ordinary common-sense view of the law, clearly understands that a document containing various clauses makes up one single contract. You cannot take away certain clauses or clause by clause and then give effect to it under the law. Here my friend has made a mistake. If my Hon'ble friend, instead of bringing a single clause as a resolution before the House would have embodied all the items of the pact, in the resolution in that case, I believe, we would have been legally entitled to consider and give effect to it as far as practicable; but, Sir, that has not been done. Consequently, one part of it cannot be taken and judged separately. For these reasons, I say that we are not in a position to help our friend in supporting this resolution; but for that reason let not the Government, nor the gentlemen present here, nor our countrymen think ever for a moment that we do not want this percentage and we are not legitimately entitled to it; but if we fail to support the resolution, that is quite on a different ground.

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): I explained to the House when dealing with the original resolution that I would reserve the question of the attitude of Government towards the amendment. Sir, there is a proverb—"In vain does the fowler set his net in the sight of any bird." But Government is going to walk into the net set by the fowler, the leader of the Swaraj party. The net that I see, Sir, is this amendment which is designed to draw Government into one lobby so that the Swaraj party may be kept together and be guided as by a pillar of fire into the other lobby.

Well, Sir, Government opposes this amendment for the following reasons.

In the first place it is a very dangerous precedent. I can understand a resolution being adjourned *sine die* by consent, but it is going to be a very great danger to minorities in the House if the discussions on resolutions are to be adjourned *sine die* by voting power. I admit that Mr. C. R. Das has not in this amendment, attempted to stifle the discussion, but it is only one step further, to move an amendment at an earlier stage and stifle all discussion. On the question of principle we object to such an adjournment if it is not done by consent.

Then, Sir, as I explained, Government were seeking enlightenment in this matter and Government are still unenlightened. I have listened with great attention to the speeches from all sides of the House and I am not still convinced as to what the House would wish the Government to do in this matter of Muhammadan appointment to Government posts. We have heard from a gentleman who spoke vehemently on the subject that the whole Swaraj party are at one with this resolution and are entirely in favour of it. We have heard from another gentleman that the whole country is entirely in favour of it. We have also heard that the whole Swaraj party have every intention of carrying it out. I do not doubt it. But it does leave me a little in the dark as to why they are not prepared to vote for it. Mr. C. R. Das said it forms a part of the national pact and they are prepared, I understand, to support it unconditionally. If so, why not vote for it? Why try to postpone it? The only argument that I have heard in favour of postponing the question *sine die* was that put forward in the latter part of Mr. Das's speech and in Mr. Nurul Huq Chaudhury's speech that they will not have anything to do with the bureaucratic Government. Well, Sir, it does seem to me that this is rather an unduly peevish attitude to take because after all when you get Swaraj it will either be a Swaraj of a united people, which we all hope for, in which case there is no necessity for a pact or it will be a Swaraj in which the balance of parties will be the guiding principle, in which case the balance will not depend upon the number of appointments in the Government service, but it will depend on the power of each party inside the Government. This resolution does not touch that. The share of each community in the Government appointments will, human nature being as it is, follow the balance of power in the Government. Therefore, I think it is illogical to postpone this resolution till Swaraj is attained and one or both parties are in power. Then, Sir, Mr. Das has also said that if there had been an amendment proposing something less than 80 per cent. he would have voted for it. I fail to reconcile this statement with his proposal for postponing the resolution *sine die* on the ground that he is going to take nothing from the bureaucratic Government. In the last place Mr. C. R. Das has taken some of his critics to task for not having read his speeches. But has Mr. Das read the resolution? The resolution recommends to the Government that out of the total number of appointments to be made hereafter

by the Government of Bengal certain percentages are to be reserved for Muhammadans.

[At this stage the Hon'ble the President returned to the Chair.]

If that is a recommendation to Government surely this recommendation for the postponement of the resolution is also a recommendation to the bureaucratic Government. Surely even Mr. Das is uncertain as to the time when Swaraj will be attained—it will be attained eventually no doubt—then why not have a discussion of this particular question in the meanwhile? Why should the Muhammadan be deprived of their extra appointments while Mr. Das is attaining Swaraj. These are the reasons for which Government opposes the adjournment of the question *sine die.*

Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I support the resolution of Khan Bahadur Musharruf Hossain and oppose Mr. C. R. Das's amendment. I am surprised at the attitude of Mr. Das for it really means that he does not wish the question to be seriously considered and decided in an authoritative manner. In fact, his action is a serious violation of the privileges of the members of this Council. It is the right of every member to bring up questions of public importance for discussion before the House and what is it but a gross violation of that right for a party like the Swarajists commanding a large number of votes to stifle discussion. Sir, my community, as Mr. Das knows full well, feels very stdongly on the subject matter of the resolution and we cannot but regard his amendment as an unfriendly act and a virtual abandonment of his position as a champion of justice to my community. I need hardly tell the House that the proposition before the House which forms an important term of the well known pact between the Hindu and Muhammadan Swarajists of Bengal has excited much attention and comment throughout the length and breadth of India. Not being in the confidence of the Swarajists I do not know what actually led to the formulation of this pact. But, Sir, I take it that it was to be foundation of a Swaraj based on democratic principles. The authors of the pact evidently felt that without a complete understanding between the two communities on some of the more important questions which have hitherto kept them apart and made them so distrustful of each other, no combined action for the attainment of Swaraj was possible either in this Council or in the country. I admit, Sir, that from the moment the pact saw the light of day, it and its author Mr. Das have been virulently assailed from many quarters. The pact has been subjected to ridicule and derision by those who think that the gulf between the communities can never be bridged and hence no Swaraj, it has been condemned by those who worship efficiency and are prepared to sacrifice themselves and everything at its ruthless altar and it has naturally been denounced with great vehemence by men whose political outlook is

always circumscribed by the claims of caste and kinship to the monopoly of official patronage. So loud indeed was the clamour against the pact that Mr. C. R. Das's political opponents saw in it the grave of his political leadership. But Mr. C. R. Das with the pact emblazoned in golden letters on the banner of Swaraj has not only survived but is going from strength to strength from victory to victory. Is the pact going to be wiped out from that banner and has he found some other incantation for his Muhammadan followers? Sir, the pact was to be the foundation on which Swaraj was going to be built and I understand the Swarajists have come here to use the machinery and proceedings of this Council for the attainment of Swaraj. That is their sole object. Most assuredly then, the first thing they must do is to confirm the pact the *sine qua non* of Swaraj in the proceedings of this House. The Swarajists have succeeded in passing a number of resolutions preparatory to Swaraj. Is the pact less important or less necessary for this purpose?

But, Sir, we have an essentially strong case independently of Swarajists propaganda. If responsible Government has any meaning it must be an expression of the will of the majority of the people and so long as the population is divided into distinct communities and the Muhammadans form the majority of the population of Bengal who can reasonably deny that they should and must have a powerful and effective voice in the future Government of this province. Is it politic nay is it possible then to tell them "though indeed you shall be largely responsible for the administration of the province we shall not let you have a proper discretion in the selection of Bengal's administrative personnel and the field of selection so far as your community is concerned shall be limited to one-third?" It is true that one-third has been laid down as the minimum but the tendency has been to treat it as the maximum.

Unless I am much mistaken the passing of difficult literary examinations in English will not be the fetish of self-governing Bengal. To this proposition, Sir, the Swarajists, I believe, will readily assent and is it too much to hope that the Government will also in the changed circumstances realise that it is no more any use to adhere heroically to the shibboleths of a dead past. I must tell the Government respectfully but most emphatically that the Muhammadans who in far more troublous times than these ruled the province for several hundred years and on the whole justly, humanely, and wisely and count at the present day 25 millions out of 47 millions of the total population feel insulted at being constantly told that because they do not have a superfluity of graduates of the Calcutta University, they must be regarded as administratively inefficient.

If literary examinations were really such infallible tests of administrative ability the matter would be simple indeed. Why then did the Government resist so strenuously the proposal for holding simultaneous

examination in England and India for the Indian Civil Service? Nowadays at least, no serious politician or administrator can believe in any such nostrum and I venture to assert that no employer outside the Government ever thinks of selecting their men in whatever sphere he may want to employ them, on the strength of marks secured at examinations. Competitive examinations were mere artificial devices of the nineteenth century and their best use consisted in saving the Government the worry and perhaps the odium of making selections out of a large number of candidates. It really amounted to a contrivance for evading responsibility. Applied to this country, it has proved a great political blunder the fruits of which the Government is now reaping in abundance. The Government by virtually handing over one of its essential privileges, namely, the selection of its official personnel, to a body of examination-paper appraisers has deprived itself of one of its most legitimate and important sources of power and influence in the country. Sir, the Muhammadan community at the present day has in fact a sufficiently large number of graduates to fill all the offices for which graduates are wanted and many to spare. But, Sir, I do hope that we have now done away with Government by mere notes and dockets; it is time that the Government introduced more of human touch and personal influence in the administration. For this purpose, I say, it is absolutely necessary that you should take a much larger proportion of Muhammadans into the service of the Government. After all, bad English, faulty secretariat technique, even a little less of the faculty of pleasing superior officers do not matter; what does matter is, that the officers of Government should command the widest confidence and respect of all sections of the people. In any case this is not a question to be decided upon abstract theories. The Muhammadans have long been tried in the Government's services and I assert with the utmost confidence that wherever they have been tried they have proved efficient and reliable public servants. Let the Government proceed upon the results of experience and they will then be perfectly justified in substantially improving the position of the Muhammadans in the public service. It is no use obstinately holding by any formulæ and arrangements which might not have done much harm in England where the conditions are so different but which when applied in the circumstances of this country have been found to operate harshly and unjustly against important communities and were bound in the long run to produce most baneful political effects. The Muhammadans have stood loyally by the Government for ever so long that their inherited political instinct tells them that the ways of non-co-operators and Swarajists must lead ultimately to anarchy and revolution. At the same time the Government should realise that the Muhammadans are reduced to such straits that they have little to lose by any change. Nowadays they have nothing but freezing cold water thrown down their backs whenever they approach any one in authority. The Government of India seems almost oblivious

of the existence of 45 millions of Mussalmans in Bengal and in fact from the day when they so callously revoked the partition of Bengal they have persistently ignored their interests. Is it to be wondered at that subjected to perpetual rebuffs from the Government many Muhammadans should have rushed to the wide embraces of Mr. C. R. Das? I repeat, Sir, that University and other literary tests have been wholly ineffective in differentiating Government's friends from its foes.

To my Hindu friends I say if you are seriously striving to attain full responsible Government and not merely to gain a few more of the loaves and fishes in the gift of this Government, then support the pact as a just and fair attempt to settle at least one fruitful source of dissensions between the two communities. Even if it be that at present you would be giving up some few advantages this is a mere transitional stage. When in the not distant future the Muhammadans and Hindus have their turns of power in a responsible self-governing constitution the principle underlying this pact will be found to be a great peacemaker of considerable benefit in advancing harmonious development of the people. Sir, the Muhammadans whether Swarajists or non-Swarajists all feel that at present candidates of their community have no chance whatever in those institutions which are constituted or largely influenced by Hindus. The most glaring examples are the Calcutta Corporation, the Calcutta University and though I am sorry to have to place it in the same category also the Calcutta High Court which controls the subordinate judicial service In those departments it is as difficult for Muhammadans to find a foothold as for the camel to pass through the eye of a needle. No wonder the Swarajist Muhammadans asked for guarantees if they were to lend their support to the demand for Swaraj. I know they are conscientious men and will not conscientiously betray the interests of their community. But I beseech them not to shut their eyes to the danger that is ahead, to judge for themselves and not to allow themselves to be carried away by mere words however plausible. Let them remember, that it is never safe to break away from one's community and to seek the promised land under strange guidance.

Mr. C. R. Das: May I rise on a point of personal explanation, Sir? The Hon'ble Mr. Fazlul Huq put a few questions to me which I think should be answered. I should have thought that my speech had made that quite clear but apparently Mr. Huq is in some confusion about it. The first question he has asked is if the Hindus at the time when self-government is granted resile from this pact, what will happen to the Muhammadans? My answer is that supposing that the Muhammadans get 80 per cent. of the posts now—which will take time, 30 or 40 years, as I understand from the speech of the Hon'ble Member in charge of Appointments—supposing that they get to-day 80 per cent. of the appointments and when self-government

comes that Government takes away this right, what will happen to the Muhammadans then? Surely if the rights of Muhammadans are infringed by the Hindus in this way, the Muhammadans must depend upon their own strength. I cannot conceive that the Muhammadans of Bengal are so weak that they are unable to enforce their rights. There must be some faith. Even if the Government of the present day give it to them, the Swaraj Government may take that away, if the Muhammadans are so weak or so helpless. This is an apprehension for which there is no foundation.

The second question that Mr. Huq has asked is—"How is it said that the whole of Bengal will accept the pact? What guarantee is there?" But what guarantee can you give of a thing like that? All I can say is that up to now I have held several public meetings and the Hindus have accepted the pact. Of course I know that there are some Hindus who have objected to it but a vast number of them have accepted it. I cannot understand why a special guarantee should be taken from the Hindus. What guarantee can be offered in a case like that? Supposing he cannot reply upon the pact, what guarantee can we give? I may point out that the last election campaign between Mallik and Haldar decided the issue, so far as the pact is concerned. Many of those who at one time objected to the pact have turned round and accepted it now.

The last question which he put to me was from a portion of the speech of the member from Jessore. I am not responsible for all that the Hon'ble member said. I understood him to say that there were not many Muhammadans who were fit to get appointments under Government at the present day. If that is his statement I entirely differ from him and I made it perfectly clear at the beginning of my speech to-day that I firmly believe that the Muhammadans do not get their just share in the administration of the country or in Government posts.

Then about the Muhammadan Arts College, the Hon'ble Mr. Fazl-ul Huq asked me why it was that there was no necessity for an Arts College for the Muhammadans. I do not know who said so.

The Hon'ble Maulvi FAZL-UL HUQ: I did not put that question, Sir.

Mr. PRESIDENT: You need not go into that, Mr. Das.

Mr. C. R. DAS: I have got it in my notes and it was entered there probably under a misapprehension. That is all, Sir, I had to say in answer to the questions of the Hon'ble Mr. Fazl-ul Huq.

Mr. HUSEYN SHAHEED SUHRAWARDY: I fear that in the midst of the communal feelings that have been stirred and intentionally stirred by the resolution, I with many others are likely to be misunderstood if I were to record a silent vote in favour of Mr. C. R. Das's

amendment. There are extremely valid reasons why I should do so, and I think I am voicing the sentiments and views of many of the Muhammadan members of this House who feel compelled to support the amendment.

In the first place, we feel that this is an attempt on the part of certain members of this Council to create dissension between the Hindus and the Muhammadans and obscure the paramount issue of constitutional development to which every right-thinking person must find himself devoted in this acute crisis which has overtaken India. On the one hand we find calumny afloat that the Muhammadans who agree with Mr. C. R. Das's amendment are traitors to their country—as if, the Hon'ble mover and those who support him are the only custodians of Muhamamdan interests, as if it is not the Muhammadans of the Swaraj party, the self-same Muhammadans who believe that this resolution is misconceived and mischievous, who have achieved through sacrifice the distinction of an agreement with the Hindus. Indeed, Sir, I feel that those who will side with the Hon'ble mover at the present moment will be doing the greatest disservice possible to their country and consequently to their community. For, to my mind, Sir, the time is not yet ripe for the imposition of an isolated resolution of this type on the people of the Province. This is an item taken out of the pact, and, it is only fair that all the items of the pact should be considered by the Council, if at all, and not one isolated item taken out of the whole, whose fate is asked to be decided irrespective of what is the ultimate fate of the rest of the terms. If the entire pact is placed before the Council, we should then, if feasible, be prepared to consider it and after making such changes in it as the altered conditions of the country, or the considered views of the members of this Council may demand, pass it, and achieve a lasting unity between the two great communities of this Province. We find, again, on the other hand, recriminations from such persons as Babu Debi Prosad Khaitan—and a sullen feeling of resentment on the part of some Hindu members. I know that there are many here amongst them—non-Swarajists—who hold the view that they are content to see the Muhammadans capture the services, and leave their own young men to carve out a more honourable and a more independent career for themselves—and I honour them for this view. But there are many others who in the name of efficiency and competency can scarce disguise the fact that their opposition is due mainly to the power that participation in the services gives to a community—the power to educate their children—the power to benefit others of the same community and see that justice is done to them.

I scarcely think it worth while to refute the charge that with a larger participation of Muhammadans in the services of lesser educational qualifications the administration will suffer. Sir, I am proud of the community to which I have the honour and the privilege to belong—and its achievements during the last few years leave me full of hopes

as to its powers of regeneration. The very outlook on life which a cultured Mussalman possesses by virtue of his religion, the precepts of brotherhood and equality, of universal affection and a large sympathy which are his birthright, qualify him to be a more able, a more just, a more independent administrator than his Hindu colleagues. Educational qualifications are not all—the moral qualification of a religion such as Islam more than balances want of erudition. But yet, I feel that such a resolution should be passed not merely by a majority, but with the good-will, if possible, of all the members of this House— and with the good-will of the Hindus outside the Council. That good-will we have not yet obtained and that good-will, I feel sure, we shall be able to capture with more intensive propaganda, at least, in those districts which have been captured by the Swarajists. After all, Sir, one is not to forget that posts in which Government are directly interested form an infinitesimal portion of the posts available. There are independent bodies like the High Court that have openly flouted the rights of the Muhammadans.

Mr. PRESIDENT: You must not refer to High Court affairs. It is not permitted.

Mr. HUSEYN SHAHEED SUHRAWARDY: Quasi-independent bodies like the Municipal Corporations, particularly the Calcutta Municipality which has been the greatest criminal, the Calcutta University, District Boards, the Port Commissioners and others have definitely ignored Muhammadan claims, and it is necessary that there must be a general feeling for giving the Muhammadans their just rights, without arousing rancour and jealousy. For these, if for no other reasons, I support the amendment of Mr. C. R. Das.

But more than that I feel that this is a move on the part of certain disgruntled members to test the sincerity of the Swaraj party. Now, Sir, let the Government remain under no misapprehension, that there is no man in Bengal living to-day who commands the confidence of the Mussalmans and the Hindus alike in a greater measure that Mr. C. R. Das and we are content to abide by his promise and rely upon his sincerity—and more than that rely upon his capacity and the intrinsic justice of our cause to see that when the time is ripe this resolution will be put into operation. The amendment of Mr. C. R. Das has placed us under no dilemma, and I can give him this assurance that we do not misinterpret it in the manner that these gentlemen would like us to.

There is also, Sir, an insidious suggestion that it is not intended that the pact should be given effect to *after* Swaraj is established, and that therefore, we should have all the articles engrafted in the constitution of the country before Swaraj is attained. Why, even the Hon'ble Mr. Fazl-ul Huq fell into this loose way of thinking. There can be nothing more misleading. It is perfectly clear that if the Hindus and

the Muhammadans agree, Government will have to give effect to that agreement and incorporate it in any scheme of administration that may be formulated in any Government of India Act that may be passed for the purposes of conferring responsible Government in India. The Lucknow pact was first entered into by the Hindu and Muhammadan leaders before it could be incorporated in the Government of India Act. And if the Hindu and Mussalman communities agree as to the merits of this pact or any other reasonable pact in which the interests of the Muhammadan community are adequately safeguarded, Government will have to give effect to it, totally irrespective of any resolutions that we may be called upon to pass, piecemeal or as a whole.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: Were we not told, Sir, that the Swarajya party would accept nothing from the bureaucratic Government?

Mr. HUSEYN SHAHEED SUHRAWARDY: Swaraj, as I understand it, Sir, will be attained under the ægis of the British Crown and therefore we are not at all ashamed on our part to accept a Government of India Act from the British Crown which will incorporate these terms. I, for myself, Sir, am not a Swarajist.

I hope Sir Hugh Stephenson has his answer now that the pact can still exist with the attainment of Swaraj. Moreover, in the Swaraj Council, the Muhammadan members will be in a majority and they may continue to insist on such rights as have been defined by the pact.

I do not wish to consider at the present stage the merits of this resolution. The demands are just, the demands are ours. I only wish to suggest that the Hon'ble mover could have made some obvious allowances for technical education, and such important posts as require specialised knowledge, for the filling of which the best man irrespective of race or creed should be available for the service of the country.

Now, Sir, let us for a moment consider the attitude of the Hon'ble Member in charge of the Appointment Department. The proportion of one-third prescribed by the Government has up till now not been attained, let alone such a proportion as 80 per cent.; and yet he professes his disinterestedness and settles himself down prepared to enjoy the mutual recriminations of the two communities. I think he has been slightly disappointed because even Hindu stalwarts have come forward to support the Muhammadan demands. The Hon'ble Member's speech has, however, not been devoid of suggestion, or been neutral in sentiment. He has laid down certain principles which presumably will guide the Government in regulating the distribution of appointments. The Hon'ble Member said yesterday that Muhammadan education was of comparatively recent growth and that therefore the adherence by the Government to a minimum of one-third did not necessarily mean that

they would have one-third of Muhammadans in the services; the Government position thus being that the Muhammadans were not fit yet to secure one-third of the appointments under Government, and that they could have one-third every year of the total number of appointments which would mean that it would take years before they could approach the desired minimum. This can hardly be considered to be a bright prospect for the Muhammadans. From the Government, therefore, we can scarcely expect any consideration. Furthermore, "that if they were to act on the percentage basis, it was necessary periodically to review that percentage in accordance with the increase of education of that particular section." The obvious implication is that Government is only prepared to consider the association of Muhammadans in the services in accordance with the educational position that they occupy in the Province—which, logically pursued, could scarcely benefit the Muhammadans of this Province. To the Hon'ble Member I would therefore state that we are willing to get our rights through the goodwill of the sister community, rights which we shall get with greater celerity, than trust to the progressive stages outlined by the Hon'ble Member, who practically rejects the resolution as being impracticable and unsound.

Khan Bahadur Maulvi Md. CHOINUDDIN: From the speeches that have been made by several members in connection with this resolution and also the amendment proposed by Mr. C. R. Das I find there has arisen a mistaken notion in the minds of my Hon'ble friends as to the real meaning of the word 80 per cent. and 55 per cent. in the resolution put forward by Khan Bahadur Musharruf Hossain. What he really means and what we the Muhammadans really want is that 55 per cent. of the appointments under Government should be reserved for Muhammadans, and that until that standard is reached, until that ratio is reached 80 per cent. of the future vacancies should go to the Muhammadans. Unless a provision like this is made in the resolution or in the rules that may be promulgated by the Government hereafter, that standard, that ratio, will never be reached even until doomsday. That is the real meaning of the resolution. The Khan Bahadur does not want, nor do we, the Muhammadans want 80 per cent. of the appointments. We want the ratio of 55 per cent. to be fixed by rule, but in order to reach that ratio of 55 per cent. it is necessary that 80 per cent. or almost all the vacancies that occur in the future should go to the Muhammadans. When this ratio of 55 per cent. will have been reached it will no longer be necessary to give 80 per cent. of the appointments to the Muhammadans.

So far as I am aware, Sir, when Nawab Saiyid Nawab Ali Chaudhuri was Minister in charge of the Department of Agriculture and Industries he made an enquiry into this question. There was such a thing as Lyon's circular, Dr. Martin's circular. There was also

another circular promulgated at the time when Sir Shams-ul Huda was a member of the Executive Council of this Government, fixing a certain percentage (33 per cent.) of the appointments for Muhammadans. When he instituted an inquiry into the matter as to how that circular was being observed or followed he was quite surprised to learn that the circular about this 33 per cent. of appointments being given to Muhammadans was being honoured more in the breach than in the observance, and in order to remove this grievance of the Muhammadan community he issued a circular to the effect that until that ratio of one-third was reached two-thirds of the vacancies should go to the Muhammadans. The mover of the resolution has been attacked by several gentlemen of the Swaraj party, for instance, Kumar Shib Shekhareswar Ray has gone to the length of saying that he has put forward this resolution at the instigation of some persons whose object is to create bad blood between the Hindus and the Muhammadans. Mr. Das, if I heard him correctly, also cried ditto to such a remark. He also made the remark that Khan Bahadur Musharruf Hossain has been inspired to bring forward this resolution at the instigation of the Ministers, but I am afraid, these remarks are wide of the mark—they are not at all correct. On the other hand they are quite uncharitable. We, the Muhammadan members of this Council, were returned by the Muhammadan constituencies and when we were busy with our electioneering campaigns we held out the hope to our constituencies that when we would enter the Council we would do things which would be most conducive to the best interests of the Muhammadans and as a part of the programme of our work it is the duty of the Muhammadan members to put questions and bring forward resolutions which would promote the best interests of the Muhammadan community. I am sure my friend, Khan Bahadur Musharruf Hossain, when he put forward this resolution was actuated to do so by that motive, by the promise which he made to his constituency and not by being inspired by any Minister or Member of the Government. Before I came to Calcutta to attend the first meeting of this Council and in fact long before that I drafted a question on the very subject. The question was this—will the Government be pleased to state when the ratio of one-third per cent. was fixed by Government and whether the percentage of educated persons has increased since that time? So, when I framed this question after consultation with the Muhammadan leaders of my constituency I had not seen the draft of the pact, I had not gone over to the house of Mr. C. R. Das or even had a conversation with him about this matter and still I put this question to Government and I can sincerely say I got no inspiration from any member of Government or Secretary of the Government for putting this question before this House. Now, my friend Babu Debi Prosad Khaitan made a query in his speech yesterday; he could not understand what impelled the mover of the resolution to come forward with this resolution, he wanted to know the reason and my friends Maulvis Abdul Gafur and Nurul Huq Chaudhury

advised us to withdraw the resolution and wait till Swaraj is attained and established in Bengal. They also advised us not to embarrass the hands of the Swaraj party by a discussion like this until the bigger issue is settled one way or the other. But I can remind the members of this House that this is not the first time that we, the Muhammadans, are going to clamour for a right of this kind. I think it is for more than 30 years that the Muhammadan leaders and the educated section of the Muhammadan community has been clamouring for this sort of privilege, for a due share of the appointments under Government. Those who are in the habit of reading newspapers must have seen in the newspapers that whenever and wherever a Lieutenant-Governor or a Governor went on tour in the mufassal and whenever the Muhammadans presented an address to them they always and almost invariably made mention of this question of Muhammadan employment in their address. This question was taken up more than 30 years ago by Mr. Martin, the then Director of Public Instruction, Bengal. He issued a circular to the effect that the posts of school teachers and sub-inspectors in each division should be given to the Muhammadans not only on the basis of their literate population, but on the basis of the whole Muhammadan population of the division. Then again when Nawab Shams-ul Huda became a member of the Executive Council in 1913 he raised the very same question and issued the circular about one-third of the appointments for Muhammadans. It was also taken up by Nawab Saiyid Nawab Ali Chaudhuri the late Minister in charge of Agriculture and Industries. So, you will find that we, the Muhammadans, and our Muhammadan members and Ministers have been agitating this question for more than 30 years. I therefore do not see why my friend Khan Bahadur Musharruf Hossain should be castigated simply for following in the footsteps of a host of Muhammadan leaders and many responsible high officials. He had no motive to embarrass the hands of my Swarajist friends. He did it in his sincere way in order to redress a grievance under which we are suffering. In answer to my question which I put to Government I got the information that during the decade from 1911 to 1921 the number of educated Muhammadans has increased to a large extent, and by working out the figures which Government supplied me, I find that during this decade the percentage of literate Muhammadans increased by 40 per cent. as against 28 per cent. among the Hindus. Now, this ratio of one-third was fixed some 15 years ago at a time when the number of educated Muhammadans was very small. There is now a distinct improvement in the situation; we have been able to make some headway and so it is our bounden duty to our community to have that ratio revised by bringing forward a resolution of this kind in this Council and having it freely ventilated. That is the reason why my friend Khan Bahadur Musharruf Hossain has moved this resolution and that is the reason why I put that question. As regards, the ratio the issue before the House is this—Are we entitled to this ratio? That is the point, but it has not

been very clearly discussed by any of the previous speakers. Are we or are we not entiled to this percentage? When Babu Debi Prosad Khaitan ascribed some motive to Mr. Das, that Mr. Das had thrown out this 55 per cent. as a bait so that he might gain over the Muhammadans to his party. I do not agree with Mr. Khaitan in this uncharitable remark. I know Mr. Das to be a man of high principles—he is a sincere and straightforward obstructionist. I give him credit for his outspokenness and straightforwardness. When he made this provision of 55 per cent. in his pact he did so not with a view to lure us to his side, but after due deliberation of the just claims of the Muhammadans. What is the situation in Bengal? The last census figures show that in Bengal in 1921 the Muhammadans comprised about 54 per cent. of the total population, whereas the Hindus formed 44 per cent. so, as regards population we are 10 per cent. more than the Hindus and I believe he arrived at the figure in his pact on the basis of this total Muhammadan population in Bengal. You are perhaps all aware that this principle of representation in the administration of the basis of population of each community has been accepted by Government. It has found a place in the Statute Book. If you look into the Government of India Act you will find that seats have been allotted in this House on this basis. Where the Muhammadan population is 80 per cent. the Hindus have got one seat and the Muhammadans two seats.

[At this stage the member reached his time-limit.]

[The Council was then adjourned for 15 minutes.]

[After the adjournment.]

SHAH SYED EMDADUL HAQ spoke in Bengali, the translation of his speech is as follows:—

Sir, the resolution of Khan Bahadur Maulvi Musharruf Hossain is based on the pact of Mr. C. R. Das. It is nothing new and nobody in this Council can dispute its propriety or reasonableness. The resolution on the lines of the pact is bound to receive the consent of the Swarajists of this House, and I do not see any reason why the Swarajists should disagree in this direction. But question has arisen that effect should be given to this resolution after the attainment of Swaraj, in other words, after the shattering of this Council. I admit, Sir, that I do not understand this logic. The members of the Swaraj party remained neutral on the occasion of the Deputy President's election. Why should not they adopt the same course at the present moment also? Mr. C. R. Das has suggested that the resolution should be kept in abeyance for some time or to be more clear he goes against the resolution and this rouses suspicion in our minds and engenders apprehension in the minds of our countrymen. Sir, a Swaraj member has observed that the majority of Mussalmans of this country are illiterate, and therefore, their best avocation would be to cultivate their lands. Sir, I might observe in

this connection that the cultivator is the store-keeper of the agricultural products of this country and under this circumstance the existence of the cultivator is essentially necessary. If we want to live we must try our best to make the peasants' life worth living, and therefore, instil educational instincts in their hearts and spread education as far as possible, and eventually make them better fitted to accept the Government services. These Muhammadan agriculturists whom my Swaraj friend has referred to are deprived of their cultivating lands by their Hindu brethren when opportunity arises. These Muhammadan agriculturists who toil in the fields day and night and supply the food for their Hindu brethren eventually struggle in the meshes of the Hindu *mahajans* who lend the money at an exorbitant rate of interest and eventually snatch away their cultivating lands.

Sir, in 1914, although it was decided by the Government that one-third of the Government services should be allotted to the Muhammadans that number has not yet been reached. This number has not been attained, you know the reason why? Because the sheristadars, the head clerks, and other ministerial officers are mainly Hindus, and I have heard that the application of Muhammadan candidates do not reach even the hands of European officers. I do not wish to cast any reflection on my Hindu brethren, but I must say that this is due to this misfortune of my own community. I admit, Sir, that the Muhammadans are in the far lower strata even now, but that is no reason why 33 per cent. should not be attained in filling up the Government offices.

Mr. C. R. Das has advocated the cause of the Muhammadans seriously. He says that 55 per cent. of the Government posts should be given to the Muhammadans and that until that proportion is reached we should commence by giving the Muhammadans 80 per cent. of the posts. But there is one condition precedent and that is that his recommendations should be given effect to, after the attainment of Swaraj. And at this stage, if a Muhammadan member fortunately or unfortunately moves a motion in the Council in pursuance of Mr. Das's argument, has he done any very grievous offence? When a general question affecting the welfare of both the communities is concerned, the Hindus and Mussalmans must act in collaboration with each other. But where a sectional or a communal question is involved the section or the community affected thereby must keep a keen eye on their interests and not suffer to jeopardise their own cause whatsoever. The question of the appointment of the Muhammadans does not affect the goal of attaining Swaraj, and therefore to my mind and with due deference to Mr. C. R. Das it would have been far better if he had abstained from participating in this matter. He ought to have remained neutral as I have said before. Instead of doing that he comes forward with a proposal to adjourn the debate on this resolution *sine die* which inevitably gives rise to suspicion in the minds of our own community. Sir, I belong

to a high, saintly family and I fear only one God. I have acted all along in this Council independently and whenever my conscience dictated to vote against the Government side I have unhesitatingly done so. The proceedings of the Council will conclusively prove this. And it is for this reason that during the last election I have obtained the largest number of votes amongst the Muhammadan members of this Council. I have neither signed any Swaraj creed nor have I accepted any expenses from the Swaraj fund in connection with my election.

The motion of Mr. C. R. Das that further consideration of the resolution be postponed *sine die* was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Mr. Ashiny Coomar.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Basu, Babu Bijoy Krishna.
Chakraverti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Narendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chaudhury, Maulvi Saiyed Abdur Reb.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohon.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Bereda Prosad.
Gafur, Maulvi Abdul.
Ganguli, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedal.
Hossain, Maulvi Wahed.
Huq, Maulvi Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prosad.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammed, Maulvi Besar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Tarakenath.
Nandy, Maharaj Kumar Sris Chandra.
Neogi, Babu Manmohan.
Pahlewan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Ray, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Ray Chaudhuri, Babu Sailaja Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalniranjan.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Aley, Mr. S. Mahboob.
Barton, Mr. H.
Carey, Sir Willoughby
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Choinuddin, Khan Bahadur Maulvi Md.
Gettie, Mr. J.
Das, Babu Charu Chandra.
Dand, Mr. M.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dass, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Emerson, Mr. T.
Farequi, Mr. K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George.
Gordon, Mr. A. B.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.

Hussain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
Huq, the Hon'ble Maulvi A. K. Fazl-ul.
Jones, Mr. J. A.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
Masih, Mr. Syed M.
McAlpin, Mr. M. C.
Moberly, Mr. A. N.
Morone, Dr. H. W. B.
Morgan, Mr. G.
Mukerjee, Mr. S. C.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Rees, Mr. G. F.
Roy, Mr. S. N.
Sarkar, Maulvi Allah Baksh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Willis, Mr. Arthur d'Anyers.
Wilson, Mr. R. B.

The Ayes being 66 and the Noes 48, the motion was carried.

Further consideration of the resolution was adjourned accordingly.

Adjournment.

The Council was then adjourned till 3 P.M. on Friday, the 14th March, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 14th March, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble Mr. A. K. Fazl-ul Huq and the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi), and 108 nominated and elected members.

Resolutions

(on matters of general public interest).

Reopening of the Port of Calcutta for Haj Pilgrims.

The DEPUTY PRESIDENT (Major Hassan Suhrawardy): Sir, may I have your permission to move my resolution in a slightly altered form? It will run thus—"This Council recommends to Government that the proper authorities be approached to take necessary steps to reopen the port of Calcutta for Muslim pilgrims to Mecca and other holy places in the Hedjaz as soon as practicable."

Sir, with the inauguration of the Reforms about 3 years ago a conference was called at Darjeeling presided over by the Hon'ble Sir Surendra Nath Banerjea to discuss the question of reconstituting the provincial Haj Committee. I attended as a representative Muhammadan and suggested that it was very desirable that the port of Calcutta should be reopened for Haj pilgrimage. Bengal contributes over one-third of the total number of pilgrims from the whole of India that proceed to the Hedjaz and other holy places in Arabia.

The number of Bengal pilgrims that proceeded from Bombay port to Hedjaz prior to the war was—

in 1903	...	...	4,150
in 1904	...	...	3,350
in 1905	...	...	6,000
in 1908	...	...	5,400
in 1909	...	...	8,300
in 1910	...	...	4,200

in 1911	...	...	6,200
in 1919	...	...	2,900
in 1920	...	...	8,000
Total			48,500

pilgrims out of a total of 145,750 Indian pilgrims including Afghanistan during this period. This shows that pilgrims from Bengal form one-third of the whole number of pilgrims to Hedjaz from India and the neighbouring countries.

The number of pilgrims that proceeded from Bombay Port to Hedjaz after 1920 was as follows—

in 1921	...	...	2,000
in 1922	...	...	2,913
in 1923	...	...	8,283
Total			13,196

pilgrims out of a total of 33,065 Indian pilgrims including Afghanistan during this period. This shows that pilgrims from Bengal form nearly half, that is more than one-third of the whole Indian pilgrims to Hedjaz.

These persons, especially the class of persons who go on pilgrimage do not generally know the language that is spoken in Bombay. I mean Guzrathi and Urdu and many of them find themselves stranded in a strange port and a strange land, where they are quite friendless and are fleeced by mercenary sharks who prey upon these unfortunate men who do not understand the language of the place, viz., the pilgrims from the remote parts of Bengal and Assam. It was thus that the question of Calcutta port being reopened was brought and the provincial committee was reconstituted. Objection was raised that Calcutta would not be safe for so large a number of pilgrims; there being no pilgrim *mosafir-khana* in Calcutta. It was, however, pointed out that the *mosafirkhanas* of Haji Moosa Sait and Haji Buksh Elahi could accommodate 350 pilgrims. The better classes of pilgrims will stay in these *mosafirkhanas* or with friends, and no outbreak of epidemic can be apprehended from them. The rest could be accommodated in the already existing sheds in the Surinam Depôt which is being utilised as a labour depôt for accommodating emigrant labourers from all parts of India who proceed to Mauritius and other places. My friend, the Hon'ble Mr. Ghuznavi, who has himself visited the holy places, will bear me out about the difficulties which the people of Bengal have to undergo in going to the holy places and how they stand in need of help and of being looking after. In Calcutta at any rate the people from East Bengal and North Bengal will find friends who can put them up— they will find some one in Chandney or Sundhariaputty who belongs to their native village or

sub-division and during their return journey they are likely to suffer less hardship here than in Bombay and their language will be understood.

It was pointed out that there was difficulty of getting cheap transport for the pilgrims from Calcutta, because no trade existed between Calcutta and the Hedjaz. At that time there was an embargo on the export of rice, but that has now been removed, but at any rate the voyage on a cargo boat was not very comfortable and not a very desirable one. A great relief, however, has come from an unexpected quarter, I mean Messrs. Nimazi & Co., who are in the habit of taking large number of pilgrims from China, the Straits, and other places. I approached their Calcutta Agents and they are agreeable to carry the pilgrims in their boats if a certain number of pilgrims passengers are assured from Calcutta. Their boats are very good, carrying qualified doctors and supplying all the comforts of modern steamships. They have *Farangistan*, *Arabistan* and other ships all over 10,000 tons, which carry pilgrims, and as an act of kindness Messrs. Nimazi & Co. offer a much lower rate than any other company, because they are not out to make profit. I am told that perhaps the fare from Calcutta to Bombay by train and then from Bombay to Hedjaz by sea would be cheaper than the fare from Calcutta to Hedjaz all the way by sea, but from my inquiries from the same quarter, Messrs. Nimazi & Co., I am satisfied that the expenses will not be greater, they may be even less.

Then there is another objection, namely, that the pilgrims will be faced with a longer sea voyage. Whatever may be the objection on this score in the case of the pilgrims from Northern India, the Muhammadans from Bengal at any rate are not afraid of the sea, as will be proved by that beautiful memorial which was opened the other day by His Excellency the Governor to the memory of the sea-faring community of this country who did such excellent service during the war, I mean the Lascar memorial. The Muhammadans of Bengal, I do not think, are afraid of the sea. These are the different objections which, I think, might have been brought forward, but I do not consider that there is any great difficulty in reopening the port of Calcutta, and I think we can reasonably expect that the Bengal Government would strongly support the case for the reopening of the port of Calcutta at as early a date as possible, because three years have gone by without anything being done. In the last Council the matter was under the Minister for Local Self-Government, then it came under the Marine Department, and now, I think, it has again come into the hands of my friend the Hon'ble Hadji Sahib. If it is so, I do not think there will be any difficulty, because he knows from personal experience that it is very necessary to reopen the port and I trust the difficulty will be removed at an early date. The Provincial Haj Committee have already recommended it to the Government of India. I understand the Hon'ble Sir Abd-ur-Rahim and not our Hadji Sahib the Hon'ble Mr. Ghuznavi, is in charge—I stand corrected.

MINISTER in charge of DEPARTMENTS of AGRICULTURE and INDUSTRIES AND PUBLIC WORKS (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): As I have had the privilege of having been a pilgrim to Mecca and of having visited all the holy places and of having performed the Hadj, it is certainly a pleasure to me to accord, in my personal capacity, my full sympathy to the resolution which has just been moved. I should like, with your permission, Sir, just to give only a few facts and figures, by way of a brief history, of this question for the information of those Hon'ble Members who do not know the exact facts of the pilgrim traffic.

Up to the time when plague broke out in 1896, Bombay, Calcutta, and Karachi were the ports in India open for the embarkation of pilgrims, and those pilgrims who wanted to go to Jeddah were free to choose their own port. About the beginning of 1897 when plague had spread into other parts of India, all ports, except Karachi, were closed. Thereafter Chittagong served as a port up to 1902, when the port of Bombay was again opened to pilgrim traffic.

The opening of the port of Bombay was subject to very severe restrictive measures. Every pilgrim was taken to a segregation camp at Pirpau and there detained for ten days under observation. In 1906 in consequence of the strength of Moslem agitation, in view of the fact that pilgrims from India were required after ten days' sea voyage to undergo a fresh quarantine for a further ten days at Kamaran under the orders of the Turkish Government, the quarantine at Pirpau was abolished and in its place medical inspection and disinfection of luggage were substituted. From 1906 to 1912 all pilgrims had to depart from Bombay and Bombay alone. In 1912 the port of Karachi was again opened at the instance of the Government of Bombay.

Now, during the 8 years from 1889 to 1896 up to the time of the outbreak of plague, the average number of pilgrims that went from Bombay works out approximately to 10,000 annually. I need not refer to the period from 1897 to 1903 during which time stringent plague regulations remained in operation. From 1904 to 1910 the average number of pilgrims that left Bombay was 19,000.

The *Mosafirkhana* accommodation for the pilgrims was sufficient for the traffic as it then was. Since 1904 the pressure has increased and so many as 24,000 to 25,000 went through Bombay in one year. During the time of the world-war the traffic diminished considerably, but this has again assumed a very large dimension.

Before 1897 the rates of passage money at the early stages of the Hadj season ranged from Rs. 20 to Rs. 30 for deck passages, and during the latter part of the season there had been occasions when the maximum had reached Rs. 150. Even then it was found that the available accommodation was insufficient. The trouble of the would-be Hadjis begins when they get to Bombay. In the past they suffered from serious

hardships for want of sufficient house accommodation there and a large number of these Hadjis, failing to find housing accommodation, had to sleep on public footpaths. As the traffic is again increasing in volume, the Hadjis are likely to suffer similar hardships. Sir, I submit that this is scarcely a state of things which should be tolerated. In Bengal there are something like 40 million of Moslems. The entire Moslem population of India would be about double that number and it might reasonably be argued that half the number of the total Hadjis go from Bengal. The question for consideration is this: Why should so many thousand of Moslems be obliged to travel all the distance from remote parts of Bengal and Assam and go down all the way to Bombay defraying an unnecessary expense for railway fares, when they could obviate all these difficulties if the port of Calcutta were opened to pilgrim traffic.

In 1913 a similar resolution was discussed in the old Imperial Legislative Council in which I had a share, and that resolution was accepted in an amended form, namely, that the question of throwing open the ports of Calcutta and Chittagong for the embarkation of pilgrims to the Hedjaz be reconsidered. Since then there has been a great deal of agitation for throwing open the port of Calcutta for Moslem pilgrims to Mecca. In view of the strong Moslem feeling on this subject I trust my friend the Hon'ble Sir Abd-ur-Rahim will be in a position to accept this resolution on behalf of Government.

Maharaj Kumar SRIS CHANDRA NANDY: I beg to support this resolution.

Sir, the bulk of our Bengal pilgrims for the holy places in Arabia hails from East Bengal and Assam, the most of them are untravelled and ill-informed. In going down to Bombay and Karachi to get the boats they have to perform long and tedious journeys and are often put to great expense and worry. Unacquaintance with the vernaculars of upcountry often puts them in situations of difficulty. Instances are not wanting, Sir, where some of them are cruelly victimised. Relations and friends cannot escort them to such long distances in order to see them off and consequently they are left at the mercy of booking clerks, ticket-collectors and agents of steamer companies.

I own it will mean a few more days for the journey if the pilgrims go all the way by the sea, but there can be no doubt that their expense and worry will be much less and that they will run less risks of being exposed to epidemics such as are brought on by travels in lower classes through inland countries. And then it will have the advantage of being attended to by friends and relatives at the place of start.

There ought to be no opposition to this resolution. Nothing unusual or expensive is sought to be introduced. Passenger ships start from the port of Calcutta for all parts of the world. Some steamship companies might easily be induced to run a direct service from Calcutta

during the pilgrimage season and carry a bulk of Bengal pilgrims direct to Arabia.

Mr. S. MAHBOOB ALEY: I have great pleasure in supporting the resolution proposed by Major Hassan Suhrawardy recommending that the Port of Calcutta be reopened for the traffic of Moslem pilgrims to Mecca and other holy places of Islam in the Hedjaz. Such an arrangement would be deservedly popular. We have an annual exodus of about 3,000 people leaving for Bombay from the province of Bengal and if we take into consideration the pilgrims who will avail themselves of the Port of Calcutta from Burma and the Straits we may approximately estimate an exodus of four or five thousand pilgrims. These people will be saved the expense of a railway journey to Bombay and the double expense and trouble of waiting for shipping there. The comfort and welfare of pilgrims is an obligation which Government have already accepted and though it falls within the duties of Government of India, it is a matter so far as Calcutta and the province of Bengal is concerned that the local Government should also be interested in it and acquaint the Government of India with the state of Muhammadan feelings about it. I must say at once that so far as I understand the Government of Bengal are not unsympathetic towards the proposal but I feel confident that this resolution will strengthen the hands of the local Government in recommending to the Government of India that no time should be lost to give to the intending pilgrims the much-needed facility which the Port of Calcutta will afford for the embarkation of the intending pilgrims for Arabia. I need hardly repeat the fact which is well known that religious sentiment has a deep and abiding influence in the public mind, the appreciation of a grateful community will resound to the everlasting credit of the Government if the convenience sought for is granted.

Maulvi WAHED HOSSAIN: I beg to support this resolution, and in doing so I shall place a few facts before the Council. It is a well-known fact that annually a very large number of pilgrims from all parts of India and especially from Eastern Bengal come to Calcutta for the purpose of Haj. I know from my own experience as Vice-President of the Calcutta Khilafat Committee when I had the occasion to notice their movement that these poor persons congested near about Colootola and only two buildings are open to them for their accommodation—the two *Mosafirkhanas*. I know that each of these buildings accommodates 250 and 157 pilgrims only. So far as their condition is concerned, I have seen them walking along the streets, sleeping on the footpaths and begging from door to door. At the same time they are subjected by certain unscrupulous persons to all sorts of spoliation. These swindlers pilfer their money which they bring with them for the purpose of defraying the expenses of their journey. Now, Sir, there are two dangers to which Calcutta is exposed: first, sometimes congestion

becomes so great that many of the pilgrims cannot get any accommodation and being huddled together if any of them falls ill, there is an apprehension of spreading infection. Secondly they may carry to other quarters any infectious germ which they may bring with them to Calcutta. In fact, for treatment and accommodation they have to rely upon the charity of other persons. Then what happens is this. From Calcutta they go to Bombay. From the reports appearing in the newspapers from time to time we know that the congestion at Bombay sometimes becomes so great that there has been outbreak of cholera and other diseases. If the different ports are opened and especially the port of Calcutta, there fill be various outlets—some will go by Chittagong, some by Calcutta, some by Bombay and some by Karachi. In that case the congestion will be lessened and the apprehension of spreading any infectious disease may also be lessened. On these grounds I beg to support the resolution.

Maulvi Md. NURUL HUQ CHAUDHURY: I support this resolution and in supporting it I say that from 1899 till 1901 or 1902 Chittagong was made a port for the Haj pilgrims, and I do not know what wisdom led Government to close Chittagong as a port for Haj pilgrimage. Sir, the reasons that have been advanced by my friend, Maulvi Wahed Hossain are doubly applicable in the case of pilgrims who come from——

MEMBER in charge of HAJ PILGRIMAGE (the Hon'ble Sir Abd-ur-Rahim): May I rise to a point of order? We are not considering the opening of the port of Chittagong. So, I think the remarks of the Hon'ble Member are out of order.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): It is not quite out of order. The remarks are not entirely outside the subject-matter under discussion. I am watching the member.

Maulvi Md. NURUL HUQ CHAUDHURY: I do not know why the Government Member should be so touchy.

Mr. PRESIDENT: It is no question of being touchy. The Hon'ble Member is quite within his rights in rising to a point of order.

Maulvi Md. NURUL HUQ CHAUDHURY: I am a blunt headed and blunt spoken man and I have no such intelligence as the Government Member has, and in advancing my reason I say that some time during the years 1899—1901, or 1902, Chittagong was a port for Haj pilgrimage and Government has not got any reason why Calcutta should not be opened as a port for Haj. Those who are connected with the Haj are mostly poor Muhammadans and so far as my division is concerned I can say with authority that the number of people that go to perform Haj is much more than many divisions in West Bengal and the people who go to Haj are mostly poor and they get the money by begging.

They come to Calcutta where there are many snares, and I know of a gang—I am saying this to Government so that they may take action—I know of a gang who forge tickets and take these innocent people in their confidence and go up to Bombay and rob these people. Sir, if the port of Calcutta is reopened, the dangers to which the Bengal Haj pilgrims are subjected to will not occur. At the same time, Sir, the people of Bengal who go to Bombay, have to incur additional expenses on account of the railway fare to Bombay and food and lodge inasmuch as they had to stop there a good many days for the ships to convey them to Hedjaz and Mecca. At the same time Bombay is not a cheap city like Calcutta—here a poor man can have two meals for 3 or 4 annas but my experience of Bombay is that a man cannot have a decent meal for less than a rupee a day. These pilgrims who go from Bengal are generally poor and they can hardly defray the expenses of their journey, and if the port of Calcutta is opened, the fares of the steamer company which will carry Haj pilgrims will, I understand, be much less, and this will go a great way towards mitigating the hardship of the pilgrims. For these reasons I support the resolution.

SHAH SYED EMDADUL HAQ spoke in vernacular in support of the resolution.

The Hon'ble Sir ABD-UR-RAHIM: The question of reopening the port of Calcutta to pilgrim traffic has been engaging the attention of the Government of Bengal for some time. We have been collecting information from the Press, through the Haj Committees and local officers and tried to ascertain what is the feeling on the subject and how far we can relieve the suffering of the pilgrims who go from Bengal on pilgrimage to Hedjaz or other sacred places. From the inquiries that we have made, we are satisfied that there is an unanimous demand for the reopening of this port. We have received representation after representation that the Bengal pilgrims, having to go to Bombay, are subjected to certain inconveniences and unnecessary expense which, they believe, would be avoided, if they could embark from Calcutta.

One of the chief difficulties in the way has been the question of shipping accommodation. We have considered that matter very carefully and we are inclined to think that the difficulties are not such that they cannot be overcome.

There is also the question of accommodation in Calcutta. Accommodation in Calcutta is not always sufficient for a large number of pilgrims at a particular time of the year. We have been making inquiries as to what would be the best mode of providing accommodation for these pilgrims many of whom are extremely poor—some are old and suffer from physical infirmities. We have been in communication with many leading Muhammadans of Calcutta, with the Calcutta Corporation, and other civic authorities, such as the Port Commissioners, as

to what could be done in this connection; and so far as we have been able to gather information from them, I think it would be possible to arrange satisfactory accommodation and also to make satisfactory arrangements for sanitation. Having been satisfied with the result of inquiries that we have made on the subject, we have already informed the Government of India as to the state of things and the demand that exists.

As a matter of fact we made our representation long before we received notice of this resolution. I was greatly interested, Sir, to hear the history of the pilgrim traffic from my friend, the Hon'ble Mr. Ghuznavi, who has considerable experience about the matter, but the difficulties are mainly in Arabia and not in India. The whole question of pilgrimage or rather provision of accommodation for the pilgrims' journey to Hedjaz and their welfare there, has recently been engaging the very earnest and serious attention of the Government of India. Neither the Government of India nor the Government of Bengal are indifferent to the inconveniences and discomforts of the pilgrims. We have been doing our best to safeguard them from all sorts of trouble they are subjected to; and so far as the Bengal Government is concerned, we have brought the matter to the attention of the Government of India and we shall be very pleased to forward the resolution that has been moved by Major Hassan Suhrawardy to the Government of India if passed by this House. I therefore accept the resolution.

Major HASSAN SUHRAWARDY: This resolution, Sir, which, for want of time and once on account of my absence from the House has lapsed during the last 2 years of the last Council, I am glad to say has been debated upon in the very first session of this Council and has been accepted by the Hon'ble Sir Abd-ur-Rahim the Member in charge, and I thank him for this.

The motion was then put in the following modified form and agreed to:—

"This Council recommends to the Government that the proper authorities be approached to take necessary steps to re-open the Port of Calcutta for Muslim pilgrims to Mecca and other holy places in the Hedjaz as soon as practicable."

Babu UMES CHANDRA CHATTERJEE: I would like to withdraw my resolution for the present so that I may move it subsequently.

Mr. PRESIDENT: If you withdraw your resolution now you cannot move it again during this session. You can give notice of it for the next session.

BABU UMES CHANDRA CHATTERJEE: Yes, Sir, I would like to withdraw it for this session with permission to move it in the next.

The following resolution was then, by leave of the Council, withdrawn:—

"This Council recommends to the Government that orders be issued to all Government servants prohibiting them from realizing any money in the name of subscription or donation from the people."

The motion of Babu Umes Chandra Chatterjee having been withdrawn, the following amendment consequently fell to the ground:—

"Rai Satyendra Nath Roy Chaudhuri Bahadur to move, by way of amendment, that in line 2, for the word 'realizing' substitute the word 'exacting.'"

Exemption of theatres, cinemas, etc., from tax.

Mr. J. CAMPBELL FORRESTER: I have pleasure in moving the following resolution that stands in my name:—

"This Council recommends to the Government that action be taken under sub-section (2) of section 8 of the Bengal Amusements Tax Act, 1922, to exempt theatres, cinemas, and other forms of entertainment, such as dances, exhibitions, etc., from the liability of the entertainment tax, restricting the operation of that tax to race-courses and betting transactions on race-courses."

From the inception of this Amusement Tax, from its introduction, into the House, I have opposed it (or the part of it that refers to cinemas and theatres).

The betting tax I left alone. The Turf Club is well able to look after itself. In fact, my experience of it is that it can look after itself too well. I go to the races occasionally but not often and my experiences of it on two occasions do not tend towards making me a firm believer in its principles of doing business. Last month, I took two tickets on the Totalisator. One of the horses I was interested in dead-heated. I was not aware of this until two days afterwards when I read the report of the race in the *Statesman*. I sent my tickets to the Secretary of the Turf Club asking him if he would return me my money. I got the following reply:—

I regret I can make no payment for the reason given on the enclosed slip. Your tickets are herewith returned.

The slip informs me that no tickets will be paid later than half an hour after the last race of the day. Now, Sir, the sum itself does not affect me in the least, but the principle does. I am aware that neither I nor the public has any redress in matters of this sort as they could not plead because of the Gambling Act. But no business firm dare take such an autocratic stand as to take one's money and keep it under such a lame excuse.

I on each occasion pointed out that the small amount of revenue you would receive from theatres and cinemas would be scarcely worth

collecting and that you would be throttling what was a struggling industry and now that the tax has been in operation this prophecy has proved true.

Let me give you some figures to prove it. We will take our leading theatre first—The Empire Theatre. We find at the half-year ended 31st March, 1922, they made a profit of Rs. 30,992-4-1, as there was no Amusement Tax prevailing, and at the half-year ended 31st March, 1923, their profit was nil and they had to pay Rs. 72,000 as Amusement Tax.

Since the imposition of the tax, the receipts at the Empire Theatre have fallen in almost exact ratio to the amount collected in tax. Between October, 1922, and March, 1923, theatre paid Rs. 72,000 in tax and *made no profit*.

The theatre is losing heavily during the hot weather season. One week the theatre lost Rs. 1,129 and paid Rs. 1,123 in tax. Were the tax remitted the theatre could at least pay expenses until better times, as it is, it is simply paying away capital and holding out as long as possible. The end must come eventually and Calcutta be starved for theatrical entertainment. Meanwhile the Government will get no income-tax as there are no profits.

On average business the theatre can just exist these days on a Rs. 5 stall. The public will not pay Rs. 5 *plus* Re. 1 tax, except for an impossibly expensive company. Consequently, the theatre has been obliged to charge Rs. 5 inclusive of tax or Rs. 4-4-0 to the theatre *plus* twelve annas tax. This is decidedly below pre-war rates when expenses were less than half of what they are to-day. The theatre is paying the tax but cannot afford to do so. Good companies are refusing to come to India, while the tax in Calcutta and Bombay eats up any chance of profit. A big musical company that was due here in November cancelled their Indian tour and the Empire Theatre was left practically without an attraction for the cold weather. While there is a tax surcharge on tickets, you cannot get a reasonable price for them and unless you get a reasonable price for tickets you cannot produce attractive theatrical entertainment, the result being that the public are crying about the poor entertainments that are being given. The vicious circle!

The cinemas are suffering equally. Madan Theatres, Ld., are disbanding the Bengalee Theatrical Company. I think it has already been done leaving 100 families without means of subsistence. The situation is already serious—there can be only one end. The theatres and cinemas must and will close and there will be neither amusement tax nor income tax from those enterprises. Even the paltry 3 lakhs will disappear—a struggling industry crushed out of existence—and Calcutta deprived of places of amusement. Is it worth it?

What would the public say if the Government put an official at the door of Whiteaway, Laidlaw & Co. to demand 20 per cent. from prospective customers before they were allowed to make a purchase. Prevention of trade? Then what about theatres and cinemas. Is the situation not analogous?

Empire Theatre.—Half-year ended 31st March, 1922.—Profit: Rs. 30,992-4-1. No Tax.

Half-year ended 31st March 1923.—Profit: Nil. Tax: Rs. 72,000.

Had there been no tax, they might have shown a profit of Rs. 20,000.

Now let us see how the picture houses have fared since the introduction of this tax.

Empire Theatre.—Had to close down their bioscope shows after the Act came into force.

Picture House.—Had to close down owing to heavy loss. Official Receiver was appointed for sale of the Good-will and effects of the "Picture House" by auction (took place on Tuesday, the 31st July, 1923).

Grand Opera House.—Business changed hands only six months back after the Act came into force.

Howrah Cinemas.—After running for 6 months changed hands since March last.

Star Theatre.—Changed hands only a few months ago.

Parsee Elphinstone Dramatic Co., (M. T. Ld.).—Working at the Corinthian Theatre at a loss of Rs. 1,245 from 1st January, 1923, to 30th June, 1923.

Alfred Theatrical Co., (M. T. Ld.).—Over 100 artistes disbanded on 1st of March, 1923, owing to loss from 1st November, 1922, to 30th June, 1923.

It may be noted that the loss was in spite of performing in the three best months of the year, viz., November, December and January. Ex-employees being unable to earn their livelihood, are willing to be re-employed on reduced pay.

The Bengalee Theatrical Co., (M. T. Ld.).—Consisting of over 80 artistes will be closed down from 31st August, 1923 owing to loss from 1st January, 1923, to 30th June, 1923, in spite of their utilising the sceneries and dresses of the disbanded Alfred Theatrical Co. If the Bengalee Theatrical Co. had to be equipped afresh with new sceneries and dresses the loss would have been enormous.

India Films, Ld.—The above firm doing business in Calcutta was closed down a number of months back.

Amusement-Tax in Bombay Presidency.—The amusements of Bombay and Karachi are equally suffering since the enactment of the Bombay Entertainment Tax.

Super Tax.—This is not being paid by cinemas and theatrical companies now, as it was being paid before the Act came into force.

I know the Hon'ble Member in charge of our financial affairs will with a tone of despair ask the question: If they give up this Rs. 3,50,000 how are they going to make up this deficiency.

Now, Sir, the weather is very trying just at present and yesterday at about 5-30 P.M., I heard a number of members of this Council ask where they could get a whisky and soda. Supposing a bar and refreshment room were opened here where the members could get refreshments if necessary, the Hon'ble the Finance Member might, acting on my suggestions, see whether he could raise this 3½ lakhs this way. I recognise his earnest desire to square his Budget but let me hope that from the facts I have given him, we will see how useless it is to go on gradually strangling to death the goose that lays the "Golden Eggs" and when it is dead it will take with it all revenue and if it is not ground out of existence it can struggle on until better times when the Government will again reap the benefit from its Income-Tax.

It may be stated that there is no tax on eight-anna seats but although you will find people of the most refined tastes in pits and galleries, you will also find them when they can afford it in the stalls and the circles and no modern place of entertainment can pay its way if the stalls and the circles are empty. So this tax has a definitely bad effect on art and art is the only thing after religion which distinguishes us from the beasts of the field.

Charities.—There were not as many Charity shows given as before, since the inauguration of the Amusement Tax Act. I admit that there is no tax on the cheapest seats and a small tax on the cheaper seats. The result is that these seats are crowded while the more expensive seats remain empty. The result is that the manager must play to the gallery or he will be without an audience at all. It is useless saying these entertainments are a luxury. They are not a luxury. They are part of the scheme of all well-conducted civilised countries. The Romans of old used to say, "Give us bread and entertainment." You will observe, the second thing they wanted, after food, was entertainment. We are of course entertained free here by continual cries of "Raise your voice," etc., as was evidenced yesterday, culminating with Mr. C. R. Das suggesting that the member should stand upon a chair and speak. But, Sir, not everybody can be a member of Council.

Then we must not lose sight of the terrible hardship. It is for those who have lost their employment because of the lack of success on these cinemas and theatres, principally caused through this tax. These people have now joined the unemployed and their numbers are likely to be increased unless the tax is abolished.

Think of what it means if these entertainments are closed to the many poor working millions. They have no books, no art, no healthy games. They have little taste for higher culture. They have not been taught to know the highest Greyness and Monotony of life, unsightly and sordid surroundings, tedious and soulless toil that tend to blunt the higher senses. To cloud the mind and oppress the spirit, Sir, we must try and make these people's lives brighter and not do as we are undoubtedly doing by imposing this tax on them, taking away what brightness they have and making their lives still more drab. But looking at this, from a business point of view, surely these people (the cinema and theatre people) are entitled to look for reasonable and business-like treatment. Common sense suggests that an industry should not be taxed beyond its strength or in such a way as to retard its growth and development. This Act is not only retarding the growth of cinemas and theatres, it is grinding them out of existence. All just rulers are anxious to strike a fair balance between weakness and severity and all those who have studied the position of the cinemas and theatres must conclude that this Act is an Act of Severity for the struggling industry.

I appeal to this House to support my resolution otherwise you will have a ruined enterprise creating unemployment, spare meals, also blighted hopes for thousands.

Dr. H. W. B. MORENO: I rise to support Mr. Campbell Forrester's resolution. In going through the whole question regarding the amusement tax, I find that rupees two lakhs and a half form the average yearly income accruing from cinemas and theatres whereas about 16 lakhs or so are derived from the tax on betting; so that the major portion of the income of the tax is derived from the latter source. I hold that the public have a right to some form of amusement and it is the hardest thing possible to conceive of taxing people for legitimate amusements especially in taxing poor people. It must be evident to every individual that if you deprive a person of the right to amuse himself occasionally you are creating a danger. So far as the poorer people are concerned, they are the very people who ought to be afforded some form of amusement after a day's work is done. So far as the cinemas are concerned, I do not wish to tire the patience of the House by quoting further figures; but from the figures supplied by Mr. Campbell Forrester it is evident that there is a great decline in the income from these theatres and cinemas. So far as racing is concerned, I have very little to say. I have never gone and will never go to the Race Course. I do not believe in it. I hold it is a crime to go there; and I hold that it is entirely illegal to tax it as in itself it is a crime. I further hold looking at it from a kindred point of view that no tax should be levied on betting because that would be giving some sort of sanction to betting. The Hon'ble Member in charge of Finance might, however, tell us that if we deprive him of this income which he gets from betting

and amusements what could we give him in their place? The administration must have to be carried on and he cannot afford to lose the money. I will, then, make a suggestion here. The Hon'ble Member in charge of Finance could very well afford to raise the registration fees. For the past twenty years the registration fees in Bengal have remained stationary and I should particularly like to draw his attention to the recommendation of the Retrenchment Committee which came to the conclusion that so far as the registration fees were concerned, something should be done in the way of raising them. If this were done it would go a great way in making up for the loss of income from betting and amusements. I trust my suggestion will have some effect and that some sort of action will be taken in this direction, so that Government may make up for the loss to be sustained by the abolition of amusement tax. Dealing with the industry itself I would tell the Government here that they derive a large amount of money from the cinemas in the way of duties on films and bioscopes. If you keep on these duties over and above this entertainment tax you will probably see the industry die out altogether. This tax is choking the industry as it were out of its existence. If, however, the Hon'ble Member in charge of Finance cannot see his way to relax his grip upon the tax on betting, I would then urge that the tax, which affects theatres and cinemas, should be abrogated altogether. It is very little indeed that Government derive from cinemas and theatres and any apprehended loss may be recouped from the surplus in the next year's budget. By continuing this tax you are depriving the people of the little forms of relaxation which they possess and this want of proper relaxation will in turn lead to the impoverishment of the people, and this again will unfit them to be worthy citizens. As I have said, Sir, I repudiate the suggestion that no alternative source of income can be found if this tax is decided to be withdrawn. I am, sure, Sir, the House is with me in the suggestion I have made and I hope they will entirely remit the tax on such worthy amusements as elevate the people of Bengal, namely, the amusements derived from cinemas and theatres.

Babu DEBI PROSAD KHAITAN: I rise to support the resolution that has been moved by my friend, Mr. Campbell Forrester. I think, Sir, Mr. Campbell Forrester was quite right when he said that sometimes for cheap amusement it is enough to hear the debates in this Council Chamber. Only yesterday my friend Maulvi Md. Nurul Huq Chaudhury just before I stepped into the House made a statement in regard to the Marwaris in utter disregard of the facts. He questioned as to whether——

Mr. PRESIDENT: You need not go into that, Mr. Khaitan; it is irrelevant to the present subject. You gave a very full personal explanation yesterday. You need not take the opportunity of referring to it again in connection with the amusement tax.

Babu DEBI PROSAD KHAITAN: I only alluded to our having some amusement on the occasion of Maulvi Md. Nurul Huq Chaudhury's speech yesterday. So far as the tax that is levied on the theatres and cinemas and other forms of entertainment is concerned, Mr. Campbell Forrester has quoted facts and figures which demonstrate that if the Amusement tax is continued to be levied on these shows not only will the Government lose the golden eggs that the goose gives but lose the goose herself. Sir, a tax should only be imposed on such a trade or profession and in such a manner as the subject-matter of the tax can bear, and if it is proved that the subject-matter of the tax cannot bear it, that fact is sufficient to demonstrate to the House and, I hope, to demonstrate to the Government, that no use can be served by continuing a tax which will not only lose itself but also the source from which it is derived. Therefore, the question does not arise as to where the money, which the Government would lose by remitting this tax, would come from. In any event Sir, Government has to find out where the money is to come from whether the Act is to continue in name or not; because if the Act is continued theatres and cinemas threaten to disappear. Sir, I am obliged to my friend Mr. Madan, who has given me facts and figures from which it appears that a company which has invested about a crore of rupees—even if no account is taken of depreciation and other matters which a commercial concern always takes—can only make a profit of about 2½ lakhs of rupees; that is about 2 per cent. only, and if depreciation is to be deducted then it will appear that the company has been carrying on its business at a loss! It is quite true, Sir, that Government in keeping the accounts of its railways does not deduct any amount of money on account of depreciation, but railways and theatres do not stand on the same level. Sir, it is absolutely necessary, with a view to the proper management of theatres and cinemas, that the companies should take into account these deductible items also; but if that is done, it is quite apparent from the figures put forward and quoted by Mr. Campbell Forrester that all these shows will have to close down because they cannot be run at a profit.

Sir, so far as betting is concerned, I do not agree with what has fallen from Dr. Moreno. I think that just as in the case of wine and liquor it is desirable that taxation should be imposed in order to reduce consumption, so also it is quite necessary that the betting tax should be continued in order to dissuade the people from going to the race course, which Dr. Moreno so much abhors. In abhorring it I quite agree with him, though not in remitting the tax which is recovered at that place. My friend says we are taxing crime, but if by taxing crime we can help to do away with it, it is no harm doing so. In these circumstances, I hope Government will accept this resolution and will see its way to allow these forms of entertainment go on

untaxed, entertainment which is so necessary for the recreation of the people.

Khan Bahadur Maulvi Md. CHOINUDDIN: I think it will not be a wise step on the part of this House to accept the resolution which has been moved by Mr. Campbell Forrester. We have always complained that our Government is not in a position to spend a sufficient amount of money. In connection with the budget debate, Sir, we all came to the conclusion that our next year's budget can hardly be called a surplus budget; though it looks like a surplus budget it is not really so. Our Government must have sufficient money to make its both ends meet and where can the Government have money from? They have no Aladdin's lamp or a Pagoda tree by shaking which they can have any amount of money they like to have for development purposes. Money in the Government's coffer must come through taxation; without taxation Government cannot have any money. If a tax is to be imposed by Government such a tax only should be imposed which will be the least unpopular. Sir, the present tax on entertainments is a tax which is paid by a particular section of the people; that is, those particular people who want to go to the cinemas and theatres. This is a tax which is not imposed on all sections of the people throughout Bengal. For example, cinemas are mostly located in Calcutta. Practically speaking, there are hardly any cinemas or theatres in the mufassal towns of Bengal; and out of the vast population of Calcutta only a very small section a microscopically small section only go to the theatres and cinemas; and if you impose a tax on this particularly small section of the people it will not raise a hue and cry among the general public. Whereas if the Government were to abolish this tax and for recouping the loss which such an abolition would entail, if they were to impose a general tax on the public as a whole—for Dr. Moreno's suggestion of an increase in registration fees amounts to nothing less than that—it will affect many people not only in Calcutta but throughout the province. Sir, considering the present financial difficulties of the Government and considering also the fact that this tax is not paid by the whole of Bengal, but by a very small section only of the people of Calcutta, I think Government has been very wise in imposing a tax of this nature and I hope they will not agree to give it up at the present juncture.

Mr. S. MAHBOOB ALEY: I rise to support whole-heartedly my Hon'ble friend Mr. Forrester who has thought fit to bring forward a modification in the Amusement Tax Act of 1922 which was pushed through against opposition to apply to all sorts of entertainments indiscriminately. Mr. Forrester now wants to have the operation of the Act restricted only to the transactions of the Turf Club and he has my cordial support for it. I am one of those people who believe that recreation is a second creation when weariness has almost crushed a

man's spirits. Taxation on these amusements, such as dances and exhibitions, theatres and cinemas has the necessary consequence of restricting the pleasures so much conducive to one's health and happiness. The very idea of taxation takes off a portion of enjoyment which is sought for after the day's toils by hundreds nay thousands of people both men and women who have to spend their lives under the strenuous conditions obtaining in Calcutta. Theatres, cinemas and exhibitions have also their educative and artistic value. Dancing is perhaps the most popular form of amusement amongst Europeans and Anglo-Indians. It is undesirable to restrict the enjoyment which these forms of amusements afford, by levying a tax on them. Even a depleted exchequer could not adequately justify such a course, but it is now understood that provincial finance is showing some signs of improvement and the further retention of the tax would work as a hardship for which the Legislature can have no valid excuse.

The same argument would not perhaps apply to betting transactions on the race course. These transactions are gambling pure and simple and whatever may be said to racing being the king of sports and the sensation which betting affords there is no denying the fact that it has its objectionable features and the retention of the tax on it would be wholly justified. Racing is essentially a rich man's sport and a little tax would not affect his purse in any appreciable degree.

I, therefore, cordially support the resolution which has been so ably moved by Mr. Campbell Forrester.

Mr. H. BARTON: I was one of those who sat on the committee on the Amusements Tax Bill and I took a very strong stand in favour of it. I then thought that the levying of a tax on the people who were looking for some amusement and were willing to pay would not be a burden on them. But as experience has shown and from the figures that have been placed before the House—and I believe they are fairly accurate—I think Sir, I am entitled to change my opinion. Although I am supporting this resolution from the standpoint of justice I should have very much preferred that even the race course be exempted from taxation because the same arguments which are put forward in favour of the theatres and cinemas affect also the race course. The people who go to the race course have to earn their bread as well as other people have to. I know for a fact that the Calcutta Turf Club has had to send away a large number of its employees because they could not afford to pay them as in previous years. I know from personal correspondence that the Turf Club has had to cut down a considerable portion of the donation which they contributed to charity in the past. I also know a large number of book-makers who have suffered very seriously as a result of this tax. However that may be, Sir, the relief that this resolution provides is sufficient to have my support, though I should have preferred equal justice for all. I think that the figures go to

show that every institution has suffered from this tax. Not only the theatres and cinemas but clubs also which gave charity performances from time to time have not been able to keep their heads above water. I think, Sir, that we were fairly given to understand by Government at the time the Amusements Tax Bill was proposed in this House, I am not quite certain, but I think there was some sort of assurance given to us that if the realisation from this tax was not sufficient at any rate for the trouble of collecting the money or the amount was not sufficiently large to alleviate Government's financial difficulties, Government would consider the desirability of doing away with the tax altogether. I do not know if I am right in saying this, but I think that it was said that if after sufficient experience of the working of the Act it was found that any of the institutions had suffered considerably or to an extent which crippled its working, Government would then be prepared to consider the question. For these reasons alone, Sir, I think there is a very good ground for discontinuing the operation of this tax in regard to those institutions mentioned in the resolution, though I would again repeat that from the standpoint of justice it should include all.

Dr. BIDHAN CHANDRA ROY: One point seems to have been missed by most of the speakers who have spoken on this subject this afternoon. As I pointed out in my budget speech I regard the newly imposed taxes as more or less trust money which have been placed in the hands of the Government by the members of this Council first of all to make up the deficit of 1922-23 and later on to apply the surplus to the transferred departments. A scheme has been given by Mr. C. R. Das to the Government. We want, at least I want, to see how far Government is prepared to take up that scheme. Until that is done I for one do not propose to interfere in any way with the imposition of these taxes, because I have said before if the promises given by Government be not carried out it will be our duty then to come before the House and to say that the whole of these taxes be withdrawn.

Mr. NIRMAL CHANDRA CHUNDER: May I crave your permission, Sir, to move an amendment to the resolution of Mr. Campbell Forrester, which I understand he is willing to accept?

The amendment runs thus: "This Council recommends to the Government that action be taken under sub-section (2) of section 8 of the Bengal Amusements Tax Act 1922, to exempt theatres and cinemas from the liability of the Entertainment Tax."

Mr. PRESIDENT: I admit the amendment, it is in order.

Rai Harendranath Chaudhuri then rose and objected to the moving of the amendment for want of proper notice. The objection was upheld by Mr. President and the amendment was not allowed to be moved.

Dr. H. W. B. MORENO: May I have your permission to move an amendment, Sir?

Mr. PRESIDENT: Please hand over your amendment to the Secretary over the table and we will consider it.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): It seems to me that Mr. Moreno who has supported the resolution of Mr. Campbell Forrester would like us to abolish all these taxes altogether in respect of all entertainments. I do not propose to go into that question. It was only two years ago that the amusement tax was introduced in this Council and with regard to cinemas and theatres it has only been in force for 18 months so that we have not yet had the experience even of a full year as to its effect on our revenues and how much we can get out of it. We had only 6 months of 1922-23 when we got Rs. 2,70,000 out of cinemas, theatres, dances and the like. This year up to date, that is for 10 months (we have still 2 months to come), we have got Rs. 2½ lakhs.

Then Mr. Moreno says that he does not like the race course because it is criminal to take part in racing (I think that was the expression he used). I would point out however that there is not only a tax on betting but also one on admission. I do not see why, if you wish to remove the tax on cinemas and theatres, you should propose to levy a tax on the people who go and see horses run. They are both entertainments but of a different character.

We have been told that the theatres and cinemas in Calcutta have been losing very heavily. From the figures which we have heard for March to June, 1923, when the amusement tax had been in force for only 6 months, and from the figures up to date it seems to me doubtful whether it can be said that these institutions, viz., theatres and cinemas, etc., have suffered mainly at the hands of the amusement tax. There have been other factors. There was a slump or depression at the time when this Bill was before the select committee. It was realised at the time that in order to meet this situation the rate should be reduced and the Act was put into force 6 months after it was passed with regard to cinemas, theatres and the like. And there were other factors. There is still the depression in trade. People have not money and it is a question whether those who have got money care to go to the theatres or cinemas or prefer to dance. There has also been the duty on films. We do not get the income from that; that, like the income tax, goes to the Government of India. Our present amusement tax on the other hand is to help ourselves.

This is not the first time, Sir, that this motion has appeared on the agenda paper. I think we have had it three or four times, but we have not reached it till to-day, and it is only to-day that we hear from Mr. Campbell Forrester about the serious losses suffered by more than one company. So far, we ourselves have been approached by only one

of these institutions, which has come forward and told us that it puts its losses down largely to the amusement tax. The others have not come forward, but I have no doubt they will if they have an opportunity, to say that the amusement tax was responsible. We cannot, however, get away from those other factors. I am often worried about this amusement tax, as many people come with applications for exemption on the ground that the entertainments are held for educational or charitable objects, and if an exemption be made in favour of such amusements generally, it might be that we should not be worried by these applications. But I have to take the hard-hearted view that we have got to have the money. The amusement tax, like the other two taxes, viz., Stamps and Court-fees, was imposed for the purpose of enabling us to balance our budget and to find money for the nation-building departments, for development and so forth. We have not got that balance yet, we have not got the surplus, and we have not got the money to meet the demands from the Ministers for their activities. We have got relief for 3 years ending next year from the Government of India to the extent of Rs. 63 lakhs (the Bengal contribution). Can we go forward and ask that we should be allowed this relief for a still longer period while at the same time abolishing one of our sources of revenues? That is, Sir, our position. This tax has been in force only for a year and a half and I do not think that at the moment, especially in view of our financial position, we would be justified in omitting this source of revenue. The only justification for its abolition is that as an effect of this amusement tax we are killing the goose that lays the golden eggs; but that is a matter on which we have, up to date, very little information. We shall take the information put before us to-day into consideration, and if we see that we are about to have a dead bird, we shall have to think about the matter. But we can not, in our financial position, having to call for further assistance for Bengal, give up this tax. It will indeed be to our disadvantage to give up this source of revenue. We have got the Retrenchment Committee's proposal on the raising of registration fees as suggested by Mr. Moreno; that is a matter we shall have to take into consideration. But at the moment I cannot accept this resolution; we cannot afford to forego any part of our revenues and for that reason I must oppose the motion.

Mr. J. CAMPBELL FORRESTER: I have very little to say except to refer to the remark that has been made by the Hon'ble Member in charge; he seems to insinuate that I have been approached by some of these institutions. I can assure him that this is not correct.

The only reason why I brought this up is that the European Association received letters asking if they might assist in this matter. There was a meeting and a sympathetic note was sent round. I simply consider that a gross injustice has been done—it is unfair to tax the amusements of the people. The conditions here are entirely different from those in England and you are making it more difficult for

the people in resorting to amusements. I hope the House in its sympathy for the poor is desirous of making their lives healthier and brighter and will vote for my resolution. I regret that the amendment has been refused by the House. I was quite prepared to accept it. But because it has been refused, it will not, I trust, prevent members from voting in favour of my motion.

The motion was then put and a division taken with the following result:—

AYES.

Aley, Mr. S. Mahboob.
Barton, Mr. H.
Forrester, Mr. J. Campbell.
Hussain, Khan Bahadur Maulvi Musharrul.
Huq, Maulvi Ekramul.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Lal Mahammed, Haji.
Nandy, Maharaj Kumar Sris Chandra.
Philip, Mr. J. Y.
Rose, Mr. C. F.
Sarkar, Maulvi Allah Baksh.
Villiers, Mr. Edward.

NOES.

Addams-Williams, Mr. C.
Banerjea, Dr. Pramathanath.
Chakraverty, Babu Sudarsan.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Chaudhuri, Rai Harendranath.
Choinuddin, Khan Bahadur Maulvi Md.
Chowdhury, Maulvi Fazial Karim.
Das, Babu Charu Chandra.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dosh, Rai Bahadur Pyari Lal.
Dutt, Mr. C. S.
Emerson, Mr. T.
Faroqui, Mr. K. D. M.
Ghaznavi, the Hon'ble Hadji Mir A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Huq, the Hon'ble Maulvi A. K. Fazlul.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Moberly, Mr. A. N.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Nazimuddin, Khaje.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Ray, Babu Nogendra Narayan.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Saiaja Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.

The Ayes being 13 and the Noes 43, the motion was lost.

Separation of judicial and executive functions.

Babu DEBI PROSAD KHAITAN: In the absence of my friend, Mr. A. C. Banerjee, I beg to move that "this Council recommends to the Government that early steps be taken to give effect to a complete separation of judicial and executive functions in Bengal."

The question is as old as the birth of political thinking in this Province. It has been argued time and again not only in the old Legislative Councils, but also in this Chamber, and ultimately a committee was appointed under the presidency of Mr. Justice Greaves

to investigate the ways and means by which this much desired reform of a complete separation of judicial and executive functions in Bengal may be effected. Government have conceded the principle that these two functions should be separated from each other and we fail to understand why, in spite of the Committee having been appointed, and in spite of their having submitted a report and in spite of the repeated assertions that this separation would be effected it has not yet been carried out. I do not want to detain this House for any length of time over this obvious question and I therefore resume my seat in the fullest confidence that the Government will carry out the promises in this respect which it has given to us repeatedly.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Is resolution No. 39 withdrawn?

Babu Satya Kishore Banerjee being absent the following resolution standing in his name was deemed to be withdrawn:—

"This Council recommends to the Government that early steps be taken for the total separation of the judicial from the executive functions in the administration of this Presidency."

The Hon'ble Sir HUGH STEPHENSON: When the question of the separation of the judicial and executive functions was raised last time in March, 1923, Government accepted the principle of separation; but in doing so, I said that I did not think that the Greaves Committee's report did pave the way for an immediate introduction of a definite system. The objections which I raised to that report were, firstly, that it greatly under-estimated the expenditure; secondly, that it made no provision for the training of the new magisterial service; and thirdly, that it made very inadequate provision for the control of the new magisterial service. I then stated that Government could not agree to launch a scheme until these very important matters had been cleared up and had been provided for. I promised to work out a scheme and to place it before the public before action was taken on it. Sir, I carried out my promise and we worked out a scheme—a scheme which to our mind does provide for the essentials that I gathered from the debate on the subject the Council desired. It provides for a complete separation of the judicial and executive and provides for the recruitment on both sides and what we considered to be an adequate and fairly satisfactory control and prospects on both sides. But, Sir, the scheme involved such radical alterations of the functions and prospects of the services in Bengal, not only Imperial but also Provincial, that it was clear that it would require the sanction of the Secretary of State to carry it into effect. It was therefore impossible for me to carry out my pledge to the letter and to place the scheme before the Council as I had hoped to be able to do. We sent up the scheme last November to the Government of India and asked them to obtain the Secretary of State's views on these radical

alterations. So far we have been told that the scheme has been forwarded with schemes of other provinces for the same purpose—almost every other province has framed its own scheme for the separation of the judicial and executive. (A Voice: Has the scheme been published?) It cannot be published till the Secretary of State has approved it. We have taken advantage of the inevitable delay to consult the High Court and ask for their criticisms in advance on our scheme, and they have been good enough to give us certain criticisms on the main features of the scheme which we shall have to take into consideration. We have also placed an officer on special duty to work out in detail the cost of the scheme and that is practically finished. So I have done, so far as possibly I could, what I promised this Council last time. But, Sir, since the last debate the situation has, I think, altered to some extent in so far as the demand for the separation of the judicial and executive is concerned. I am not however proposing to say anything whatever against the principle of separation which Government have accepted. We have drawn up our scheme. But there has been since the last debate the amendment of the Criminal Procedure Code. Under section 406, there is now an appeal to a judge in every case where an order is passed under section 118 for entering into security, either to keep the peace or to be of good behaviour: that is a further advance towards separation that has taken place since we last considered the matter. Again, under sections 413 and 414, there is an appeal to the judge in every case in which a first class magistrate imposes a sentence of imprisonment. The only sentences that are non-appealable now are: fines of Rs. 50 or less or a fine of Rs. 200 in summary cases. The district magistrate's judicial functions therefore, when he is acting not under the control of a judicial appellate court, are confined to petty cases where he imposes a fine of Rs. 50 or less or a fine of Rs. 200 in summary cases. I think we may disregard these cases entirely, because no district magistrate has now the time to try such petty cases. The other judicial function which he performs is that of hearing appeals from second and third class magistrates. These appeals are very often heard in many districts by deputy magistrates and not by the district magistrate; but the principle is the same, because these deputy magistrates have also executive functions. When the Legislative Assembly revised the Criminal Procedure Code, they did not take away these appeals from second and third class magistrates from the district magistrate, mainly, I believe on the ground of expense. Except on that ground we shall raise no objection whatever to these appeals being taken by the judge, but pending the adoption of some scheme for complete separation, it is a matter on which this Government can do nothing. Until we can place before the public a scheme for the total separation, these appeals will go on being tried by the district magistrate. The other functions of the district magistrate in relation to criminal justice are supervision and control.

This has got to be done by some one and until we can place before the public a scheme for complete separation it must continue to be done by the district magistrate. There is a Manual of Inspection for district criminal offices which lays down the lines on which these offices are to be inspected, questions are to be asked and so forth. This manual is very considerably out of date, and Government proposes to bring it up to date and re-issue it as soon as possible. In doing so, we propose to take this opportunity of emphasising, what is already understood by our officers, but not perhaps understood by the public, that the supervising officer is not concerned with the conclusions to which a judicial officer comes. If these are wrong, there is a judicial procedure for setting them right, and comments on judicial conclusions of the trying officer do not form part of the duties of the inspecting officer; he is concerned only with the procedure of the trying court and it is his duty to see that from the very inception of the case to its conclusion the trying court has taken such steps as will enable it to come to a just conclusion as expeditiously as possible. I have explained, Sir, what the present position is, and Government having accepted the principle of the separation, I have no desire whatever to go back on that acceptance. Therefore, Government have no wish to oppose this resolution.

Babu AKHIL CHANDRA DATTA: I rise to oppose this resolution. My friends seem to be staggered at it, but I should like to tell them the reason why I oppose. I oppose not because on the merits I am against this reform, but because I feel that it is merely an academical discussion. This question has been agitated for over half a century there have been commissions, committees, inquiries, reports, and so on and so forth. The official literature on the subject would be more voluminous than this commodious Council Chamber could contain. There have been resolutions passed in all provincial Councils; there have been resolutions passed in the Assembly, and so on, and every time there has been a scheme prepared—even from the time of Mr. R. C. Dutt. I do not know what is the number of the schemes prepared; the principles has been admited by Government. We know that it is about half a century that the principle has been acknowledged by Government but yet the reform is as distant as ever. Therefore, I was inclined to move an amendment like this, but I was afraid it might not be allowed by the President—an amendment like that moved by Mr. Das yesterday, that the consideration of this question be postponed till the establishment of full responsible Government in the country.

Maulvi WAHED HOSSAIN: May I ask the Hon'ble Member a question?

Mr. PRESIDENT: Yes, Maulvi Sahib, you may.

Maulvi WAHED HOSSAIN: Will the Hon'ble Member kindly let me know whether it is only a question of cost that retards Government from separating the judicial from executive functions, or anything else?

The Hon'ble Sir HUGH STEPHENSON: It is not merely a question of cost, but I do not like the form in which the question has been put, as to what deters the Government from separating judicial from the executive functions. This consideration has also been taken into account, but it is a question of the establishment of a wholly separate service, and the effect of it on other services.

Mr. HUSEYN SHAHEED SUHRAWARDY: May I ask the Hon'ble Member if this Council will have an opportunity of discussing this scheme——

Mr. PRESIDENT: This is not in order. What is the book that you have in your hand? Is it a Council paper from which you are reading?

Mr. HUSEYN SHAHEED SUHRAWARDY: No, Sir, I was not reading it. I only desire to know——

Mr. PRESIDENT: This is not in order; you cannot make a speech, you can only ask a question.

Mr. HUSEYN SHAHEED SUHRAWARDY: I only desire to say that it seems somewhat unfair to the Council that a scheme should already be prepared by Government which differs in some respect from the findings of the Greaves Commission and be sent to the Secretary of State for sanction and come back from there ready to be foisted upon us. This is rather a hard word to use, but——

The Hon'ble Sir HUGH STEPHENSON: By way of personal explanation. Before the member changes the word, I should like to point out that there is no intention whatever of foisting anything upon the Council. The scheme has not been sent to the Secretary of State for sanction. The papers have been sent to the Secretary of State for permission to place them before the public and the Council for opinion and criticism.

Mr. HUSEYN SHAHEED SUHRAWARDY: My question is answered.

Mr. PRESIDENT: Mr. Suhrawardy, now that your question has been answered, you should withdraw the word "foisted."

Mr. HUSEYN SHAHEED SUHRAWARDY: Certainly, with the greatest pleasure.

A member: May I have permission to ask a question?

Mr. PRESIDENT: Order, order; we cannot have questions asked like this. If a member wants information, he must put his question in a formal way and an answer will be given at the proper time for questions and answers.

Babu DEBI PROSAD KHAITAN: I was rather surprised to find my friend Babu Akhil Chandra Datta opposing this resolution. However, Sir, after the statement made by the Hon'ble Sir Hugh Stephenson, that a scheme has been framed and that action has been taken upon it, I have no desire to press this resolution to a vote, and I have no objection if the House allows this resolution to be withdrawn.

The motion was then, by leave of the Council, withdrawn.

Mr. TARIT BHUSAN ROY: In the absence of Babu Hem Chandra Nasker I beg on his behalf the leave of the Council to withdraw the resolution standing in his name.

The following resolution was then, by leave of the Council, withdrawn:—

"This Council recommends to the Government that the proper authorities be approached to reduce the number of members of the Executive Council to two, viz., one Indian and the other European, but that two Indians be retained as members of the Executive Council so long as two Europeans are retained."

Powers of Union Boards.

SHAH SYED EMDADUL HAQ moved that "this Council recommends to the Government that the powers of union benches, already conferred, be withdrawn from those union boards, where party feelings and dissensions were seen during the board's last term of office, or where the same may be apprehended in the future; and also that such powers be not conferred in future on those boards, where dissensions and party feelings have prevailed or are likely to arise."

He spoke in Bengali. A translation of his speech is as follows:—

Sir, the usefulness of this resolution is patent to everybody. In my experience I have observed that chaos is the result where there exist party feelings and dissentions in union boards. The rumour is abroad that in the District of Tippera powers will be conferred on all the union boards. Sir, before launching into such a line of action, the personnel of these boards should be carefully purged. The inhabitants under these boards are invariably subjected to all sorts of tortures. There are some exceptions of course and I do not want to hamper the growth of the deserving boards. But where the union boards are not properly working, in my opinion these should be done away with. The majority of the presidents of the union boards are Hindus, as a result

of which the Mussalman inhabitants suffer. Injustice is done to the Mussalmans. I have brought this fact on more occasions than one to the notice of the Council, but in vain. I think that the Government will oppose this resolution, but I will not budge an inch from what I think to be right and proper.

[At this stage the President left the Chamber and the Deputy President took the Chair.]

Maulvi Md. NURUL HUQ CHAUDHURY: Sir, may I speak in Bengali.

Babu DEBI PROSAD KHAITAN: Is he the Finance Member?

Maulvi Md. NURUL HUQ CHAUDHURY: I hope to be when Swaraj comes——

Mr. DEPUTY PRESIDENT: Members must not hold conversations with each other.

Maulvi Md. NURUL HUQ CHAUDHURY: May I be allowed to speak in Bengali? The reason why I ask this permission is that my friend who spoke in Bengali does not understand English, and it is therefore incumbent on me to speak in Bengali in order to make him understand, although I do not speak Bengali fluently myself.

Mr. DEPUTY PRESIDENT: No, I cannot permit you to speak in Bengali.

Maulvi Md. NURUL HUQ CHAUDHURY: All right. My friend who has moved this resolution has laid before the House certain acts which relate to a particular grievance, and I think this particular grievance which is being ventilated before the Council cannot in any way affect the whole country, and my friend would be well advised, seeing the temper of many of the Swarajists here—and as a whip of the party I cannot in any way support the resolution of my friend—in order to save us from the awkwardness of the position to withdraw the resolution. At the same time I may mention some other facts; this resolution not only brings recriminations, but also shows bad taste on the part of the mover. I may have some grievance, but why should I adopt a roundabout course and lay it before the country in the form of a resolution in the Council? It is a thing which I ought not to do at the present moment. The reason is that my Swaraj friends would be in a tight corner if they do not vote. I therefore ask my friend, as a Shah Saheb, to use his spiritual influence over his aggressor, and settle things outside the Council. So I would request my friend to withdraw his resolution.

Maulvi SAYYED SULTAN ALI: I do not agree with my friend Maulvi Md. Nurul Huq Chaudhury that as it is a local question, we

ought not to entertain it in the Council. We can deal with local questions in this Council. But I wish to oppose the resolution on another ground, and that is regarding the wording of the resolution which runs thus: "This Council recommends to the Government that the powers of the union benches, already conferred, be withdrawn from those union boards, where party feelings and dissensions were seen during the board's last term of office, or where the same may be apprehended in the future, etc., etc."

It is so vague and uncertain, that if we accept a resolution like this, it would be the clear duty of Government to appoint a commission to hold an inquiry as to where and which of the union boards any dissension has arisen in order to enable the Government to withdraw the powers already conferred. That is the ground for my opposition. Under such circumstances, I would seriously request my friend to withdraw his resolution, as it is too vague and uncertain. It cannot legally be given effect to.

Babu BORODA PROSAD DEY: I strongly oppose this resolution. I am very sorry that the valuable time of the Council is being taken up with matters like this. In the first place, to make the matter short, I would join with my other friends and request the mover once more to withdraw the resolution. If there is any particular grievance in a certain union bench or union board of one district among several districts in this Presidency, I really fail to understand how a resolution like this can be allowed to be tabled for discussion in the Council, because I think it is a matter into which an inquiry might be held by the district officer or some other officer deputed in that behalf by Government. But there is absolutely no reason why, because there is certain mismanagement in a certain union bench or board, a resolution like this should be brought before the House and its valuable time wasted in this way.

Maharaj Kumar SRIS CHANDRA NANDY: I beg to oppose the resolution. I doubt not what fate awaits it here. Union boards are the pathshalas—the primary schools—where politics of village self-government are learnt.

Those are the institutions where villagers are afforded opportunities to manage and govern their parochial affairs in their own way.

Parties exist, Sir, in all political institutions of whatsoever denomination. Among such parties dissension or disunion must naturally prevail. Difference is the law of nature and shows that the parties differing are not stagnating but moving along and manifesting life and energy. Dissension, if it does not affect the vitals of the institution, is not an evil. And then, Sir, what political institution, big or small, is there in this world where dissension or disunion does not exist in some shape or other? Sir, it is really asking too much of this Council to do

away with institutions because members thereof do not happen sometimes to agree among themselves or choose to divide themselves up in parties. It is better, Sir, that the member should be educated and taught to realize the responsibilities so as to work with accord and unanimity rather than their institutions should be superseded. We should rather remove the factious and undesirable elements therefrom than seek to abolish the institution altogether. The fault of the people is not the defect of the institution. Certainly we cannot think that the Hon'ble mover will recommend the abolition of this Council because there is disunion here or because there is likely to be disunion among members in the future. I would therefore request the Hon'ble mover to withdraw the resolution.

Babu DEBI PROSAD KHAITAN: I do not want to take up much time of this House in discussing this resolution, but, Sir, what amuses me in reading this resolution is that the Shah Sahib wants that Government should enforce section 144, Criminal Procedure Code, not only against individuals but against union benches and union boards. I do not understand how it is within the power of any officer of Government to find out where party feelings and dissensions may be apprehended in the future; nor has the Shah Sahib in his speech prescribed any method whereby this possibility of party feelings and dissensions could be discovered in any union board. Furthermore the resolution says—"and also that such powers be not conferred on those boards where dissensions and party feelings have prevailed or are likely to arise." If the powers have not at all been conferred, how is it possible to find out whether dissensions or party feelings prevail or not, and further, Sir, how is it possible to discover where dissensions and party feelings are likely to arise. I think this resolution is reactionary in spirit and recriminatory in nature, and this House, I hope, will not sanction the taking away of any powers that have been conferred towards the development of self-government.

Babu SARAT CHANDRA BASU: At the very outset I may submit to you that I fully concur in the principles advocated by my friend the Shah Sahib. Although we have got a vehement speech from my friend in his peculiar way, and although there are various things with which I cannot possibly agree, the underlying principle of the thing is such that we cannot but uphold. From my experience of the mufassal I am in a position to say that these union boards have been the hot bed of *dola doli*, recrimination and strife. We know that in the mufassal, the people who have got their enemies to meet generally seek to enhance their power by borrowing some of the executive functions which the district officers can lend them. In the old days, the Hindus especially, used to invoke celestial aid for adding to their strength. Nowadays people in Bengal, especially in the mufassal, invoke the official power, so that they may be armed with additional strength for fighting their

enemies for putting them to difficulty. Now, it is unfortunate that my friend, the Shah Sahib, has worded his resolution in a way which is not acceptable to the House, but I may go the length of saying that the Shah Sahib's resolution would have been happier, if he had put it in a more comprehensive way in order to take away the power that the benches exercise with reference to all the union boards in the mufassal. Now, I am quite sensible of the fact that union boards— at least many of them—have been doing very good work, but at the same time the members of the union boards, especially in the way in which they are elected, have not been very happy in the discharge of their duties. We know that in the mufassal the institution of honorary magistrates has been the fruitful source of considerable oppression. In fact the very mischief which the Government wanted to prevent by instituting a series of periodical transfers amongst our magistrates in order to bring into requisition what may be said to be new broom, that mischief which has been taken away with respect to the official portion of the magistracy, is being perpetuated by the system of these honorary magistrates, some of whom have become a standing immovable nuisance in the locality in which they exercise their jurisdiction. I would, therefore, support the Shah Sahib with all my heart with reference to his recommendation that the powers appurtenant to their magisterial function—the powers that are to be exercised under the Criminal Procedure Code—be taken away from *all* the union benches without a single exception. I may tell this House that these union boards, especially in my district, are conducted in a way which is not acceptable to my countrymen. For the information of the House I may say that for the benefit of the members of these union boards the District Board of Burdwan had to spend a sum of Rs. 550 in purchasing a certain publication which had been made by one of the district magistrates who held his jurisdiction there. It is incomprehensible to me how the taxpayers' money——

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. C. S. Dutt): Is the member entitled to discuss union boards? The subject-matter of the discussion is the powers of the union benches, but he is criticising the union boards.

Babu SARAT CHANDRA BASU: I believe that is part of the power which the board exercises, and I, therefore, say that those powers are sought for by the people who can ingratiate themselves in the favour of the district magistrates just with a view to arm themselves with a weapon, offensive and defensive, against their enemies. Under these circumstances I would ask the House to accept the resolution.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): I have been greatly interested to hear the speeches that have been made on this subject. I am not a great Bengali scholar, but so far as I have been able to follow the Shah Sahib, my old friend, his complaint seems to be that in his experience in the district of Tippera,

where he is connected with one of the union benches, the benches have not been working very satisfactorily. His experience seems to be that some of the benches, or some of the members of the benches, exercise their powers arbitrarily, that they are factious, and that these magistrates on the whole do not exercise their judicial powers as fairly and as impartially as they are expected to. He therefore wants that Government should take away the powers in the way he proposes. I find that Mr. S. C. Basu corroborates the Shah Sahib very emphatically; he goes further and suggests that the powers of all honorary magistrates who sit in the union benches should be taken away altogether, and I understand that he also speaks from his own personal experience. I may say that these union benches and courts in Bengal have been started not very long ago and I may mention to the House that I had some experience of the working of the village system in similar cases in the Presidency of Madras. There also we had complaints as regards the way in which they exercised their powers. Very often applications are made for transfer of cases from these courts. Government recognises the possibility of the powers of these courts being abused in some cases, and it therefore carefully watches how these courts are working. And those members who have read the Village Self-Government Act will have noticed that there is a section in that Act which empowers the Government to take away the powers of any particular bench if it is found that they are not discharging their duties properly and satisfactorily. That section is 56 and it lays down—

> If the commissioner, after consideration of the views of the district magistrate and the district board, is of opinion that a union board is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by, or under, this or any other Act, or exceeds or abuses its powers, the commissioner may, by an order in writing specifying the reasons for so doing, either remove the president of the union board from his office both as president and as member, or supersede the board for a period to be specified in the order.

So Government has reserved to itself through its officers the power of dealing with cases of misconduct on the part of the benches. As regards the reports that we have received as to the working of these benches, I am glad to inform the House that on the whole the reports are satisfactory. From some places we have had reports of factions but I think it was only in one place in the Dacca Division that the powers had to be taken away from one bench. We have established benches in small areas so far, but wherever we receive satisfactory reports from the local authorities, we have no hesitation in establishing these benches and we are always watching how they get on. If we find that the power is abused, we can deal with the particular bench under the Act. We have embarked upon this policy and Government has no desire to go back on it. We want to persevere in our attempt to extend the union boards, the union benches and courts wherever it is feasible. At the same time I want to assure the House that the particular cases which have been mentioned will be considered by us very carefully and we will continue

to watch with vigilance the working of all these courts. But as I have said, the Government has at present no desire to go back on the general policy that has been adopted as to giving a fair trial to these courts. I cannot, therefore, accept the resolution of the Shah Sahib, but I can give him the assurance that we will do all that we can in the matter.

SHAH SYED EMDADUL HAQ spoke in Bengali. The translation of his speech is as fololws:—

A member of the Swaraj party, Mr. Nurul Huq Chaudhury, objects to my resolution. Another member, an actual sufferer, supports me. The Hon'ble the Member has hinted in his speech that he fully realises my contention and assures me that the matter will receive careful consideration at his hands. I, therefore, withdraw my resolution.

The motion was then by leave of the Council withdrawn.

The Calcutta Rent Act.

Owing to the passing of the Calcutta Rent (Amendment) Act, 1924 the following resolution standing in the name of Mr. J. Campbell Forrester fell to the ground:—

"This Council recommends to the Government that steps be taken to extend the life of the Calcutta Rent Act for a further period of one year from the date fixed for its expiration."

Alteration of the Bengal Electoral Rules.

Mr. BIRENDRA NATH SASMAL: The resolution which I move for the acceptance of this House is as follows:—

"This Council recommends to the Government that the proper authorities be moved for a change of rule 5, sub-rule 2 of the Bengal Electoral Rules so as to qualify for election to the Bengal Legislative Council persons against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for more than six months is subsisting, unless such conviction involves moral turpitude."

Now, in this resolution there are three important matters which should be placed before the House separately, so that we can understand the resolution in its true prospective.

Firstly, there is the rule which deserves a change. It should be placed before the House *in extenso* and commented upon as best as I can.

Secondly, I should try to clear up, to the best of my ability, what I mean by convictions which involve "moral turpitude."

Thirdly, there are in the resolution the words "the proper authorities" which should be removed for changing the rule. They should be explained and the House should be told shortly whom I mean by them.

I shall take up the first thing, first, namely, the rule in question. Rule 5, sub-rule 2, of the Bengal Electoral Rules runs thus:—

A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

The plain meaning of the rule is that if any one is convicted by a criminal court of any offence whatever and sentenced to more than 6 months' imprisonment, then he is to remain ineligible for election for 5 years, not from the date of his release from jail, but from the date of the expiration of his sentence. In other words, our rule makes no distinction between a more heinous offence and a less heinous one; it fixes the period of imprisonment at more than 6 months only—whether it is simple or rigorous, it does not care; and it exends the disqualification or ineligibility to a period of 5 years beyond the term of imprisonment imposed upon the man.

Now, this is a shameless piece of legislation that we have got in our Statute Book and it should not be allowed to continue disfiguring it any longer. Just look at the result! I do not suggest for a single moment that Mahatma Gandhi is willing to seek election to any of these bodies, but, supposing he is, how does this rule affect him there? Well, simply because he was sentenced to 6 years' imprisonment, therefore he will remain ineligible for election for 5 years, not from the date of his release, but from the date of the expiration of his sentence, that is for about 9 years more! His release 4 years earlier is of no avail, for the rule prescribes that "the offence" of which he was convicted must be pardoned and we all know it has not been done. This is an intolerable and disgraceful situation and so I appeal to all my friends here to pass this resolution unanimously.

What is the position of affairs in other countries regarding this question? I shall not refer to Germany or France or America. I have had no time to look up their rules on the subject. I believe, they are sufficiently democratic in this twentieth century not to have such absurd and ridiculous rules. I shall refer to conservative England and places before the House the law that obtains there at present regarding this matter. It is to this effect:—

A person convicted of treason or felony, for which he has been sentenced to death, or to penal servitude or to any term of imprisonment with hard labor or to a term exceeding 12 months without hard labor, is (until he has suffered the punishment to wich he has been sentenced or such other punishment as by competent authority may be substituted therefor, or receives a free pardon from His Majesty) incapable of exercising any right of suffrage whatever within England, Wales and Ireland. But a person who has only been convicted of a misdemeanour has a right to be registered and to vote unless his punishment *de facto* prevents him from so doing.

Now, what facts do we gather from this English law? We gather the three following facts:—

Firstly, there is no disqualification in England of a person who is convicted of a misdemeanour. He is entitled to remain in the electoral

roll and even vote, if he is not physically incapable of doing so, being absent in jail at the time.

Secondly, if a man is convicted there of felony or treason and sentenced to a term not exceeding 12 months without hard labour, then he is also not disqualified or incapable of exercising any right or suffrage.

Thirdly, whatever be the kind of the crime—misdemeanour, felony or treason, and whatever be the term and nature of sentence—5 years, 10 years or 15 years with or without hard labour, in England immediately the convict has suffered the punishment to which he was sentenced, his ineligibility goes and he becomes entitled to exercise his suffrage, without any let or hindrance.

Compare with our rule, these salient features of English law on the subject tell their own tales. I should not therefore take very many minutes to explain these features in detail. But I must say a word or two on each of them, by way of comparing them with the lot of our convicts.

So far as the first point is concerned, we have seen there is no disqualification in England of persons who are convicted of misdemeanours. I shall not confuse the issue here by drawing the attention of the House to the fine distinctions that now exist in England between misdemeanours and felonies, and felonies and treasons. We, in India, have no such distinctions in our criminal law as all our crimes are merely offences. Suffice it to say, however, that generally speaking the less heinous crimes are misdemeanours and the more heinous ones are either felonies or treasons.

Now, the English law recognises the classification of crimes and provides that in the case of the less heinous criminals, there shall be no disqualification whatever. It may not be out of place to point out here that rioting, assault, libel, conspiracy, fraud and false pretences are less heinous crimes or misdemeanours in England and persons convicted of these crimes and sentenced to, say, 6 years' imprisonment with hard labour, assuming that can be given legally, are not eligible at all. But what is the other side of the shield—the darker background of the brightest jewel in the British Empire? Well, we make no distinction between one crime and another here! We are idealists—great and uncompromising puritans! If a man is sentenced here to an imprisonment for 6 months and one day for slapping a boy or maltreating an animal, why, then, he is to remain ineligible for election for 5 years, 8 months and one day! I think, further comment upon this is unnecessary.

As to the second point, it will be remembered that in England if a man is convicted of felony or even treason—that is, of one of the more heinous crimes, but sentenced to less than 12 months' imprisonment without hard labour, then he is also not disqualified to exercise his suffrage. That is, they in England have made a distinction between simple and rigorous imprisonment, even in the case of the more heinous criminals and provided that in the case of simple imprisonments on such

occasions. The sentence must exceed 12 months to disqualify the convict. In this hapless and hopeless land of ours, however, the law is different, as almost everything else is different here. In this country, there is absolutely no distinction between simple imprisonment and rigorous imprisonment and the period of sentence fixed by the rule in either case is 6 months and no more, as I have already pointed out. But this is not all.

Coming to the third point regarding the period of disqualification for conviction in a criminal court, one is ashamed to think of the cowardly and cruel distinction that has been perpetuated by no less a person than Mr. Edwin Samuel Montagu, together with his compatriot in Constitution making Lord Chelmsford once our Viceroy. In England, the disqualification continues—

Until he has sufferred the punishment to which he has been sentenced.

while, in India, it not only covers the whole of that period but also a further period of 5 years from the date of its expiration—that is, in England, so far as a convict's suffrage or franchise is concerned, he is a free man immediately he comes out of jail after serving his full sentence while in India for that purpose, a convict remains a convict for 5 years more from that date! And it was only the other day, about 5 or 6 years ago, while they were giving us reforms and enacting laws and rules for teaching us responsible self-government that this galling and invidious distinction was made for the first time and not before.

We had our Local Self-Government Act of 1885 before this, but it provided no such prospective disqualification whatever. Even now there is nothing in that Act, which borders this insane and barbarous provision of law. All that is laid down in section 18A of that Act is that, if a member of a district board or local board or union committee is convicted of any such offence or is subjected by a criminal court to any such order as, in the opinion of the local Government, formed after due inquiry, then he may be removed from his said office by an order of the local Government—that is, a man's previous conviction does not stand in his way at all for seeking election to our local bodies and in order that he may be removed by the local Government from any such local body, he must again be convicted of or concerned in a criminal offence after his election to the said body—one can understand this proposition—if the voters elect an ex-convict, knowing full well that he is such a person, then there ought not to be any further discussion over this matter, but if he is again convicted after his election, he may be removed and the voters approved of the fact of his second conviction and given the chance of re-electing him.

In other words, the Bengal Local Self-Government Act of 1885 lays down that an ex-convict is disqualified or qualified, according to the free will of the electorate and the legislature has practically nothing to do with the question. To my mind, this is a very salutary principle, which ought to have guided our constitution-matters, while they were

considering this subject—for in this country, of all other countries in the world, certain convictions are many a time illegal and without evidence and accordingly persons convicted under such circumstances, ought to be qualified or disqualified according to the free will of the voters and not by the mere fact of their convictions.

I shall give my hon'ble friends an instance to illustrate my allegation. I know of a member of this House, who was once the Secretary of the Bengal Provincial Congress Committee. At that time, a great royal personage came to Calcutta and there was *hartal* here. The next day, a local English daily, which shall go nameless, shrieked and cried and asked who was the Secretary of the Bengal Provincial Congress Committee. The Secretary was then arrested and finally convicted under the Criminal Law Amendment Act, for having managed an illegal or unlawful association. But do you know what was the evidence which were adduced against him? The Bengal Provincial Congress Committee was, of course, not declared an illegal or unlawful association, so that it could not be said that he had managed that particular illegal body well. The Bengal Provincial Congress Committee had passed four resolutions of a particular character and he had sent them to the Press for publication as the Secretary thereof——

The Hon'ble Sir ABD-UR-RAHIM: On a point of order, Sir. The Hon'ble member is discussing a particular case—whether the conviction in that case was right or not.

Mr. PRESIDENT: The Hon'ble member is referring to it by way of illustration. You will be able to reply to him in your speech.

Mr. BIRENDRA NATH SASMAL: The Crown simply proved or claimed to have proved that these resolutions were actually sent by him to the Press and infer that evidence and that evidence alone, he was convicted under the Criminal Law Amendment Act, for having managed an unlawful association! I believe, I am very dull; for, otherwise, I ought to have seen that the management of an unlawful Association very logically follows from the mere sending of the four resolutions to the Press as Secretary, although the body which passed them were not declared illegal and the persons who proposed and seconded and voted for them were not run in at all—I don't know whether I shall call it a piece of good fortune or misfortune but the fact remains that as the person in question was sentenced to only 6 months' imprisonment, he has succeeded to come here by the unanimous verdict of more than one constituency in the Presidency. If he was given a day more, than he would not be here to-day. But this is by the way.

What I was submitting to the House was that in eighties of the last century, we were much better off than we are to-day. In the eighties of the last century—to be exact, in the year 1885—the Indian National Congress first saw the light of the day and it was in this very year that the Bengal Local Self-Government Act was passed. But

what has been happening since then? The more the Congress is becoming popular, the more the laws are being hardened in this country. Any one who is acquainted with the history of Indian Legislature is bound to admit this truth unhesitatingly. But I shall not bore the House with ancient history. It will be sufficient to point out that the process of moral degeneration which was slowly but steadily overtaking the minds of our rulers since the eighties of the last century, was very much in evidence the other day, when rule 5, sub-rule 2, of the Bengal Electoral Rules was passed into law. But if they have morally degenerated, we have all grown enormously in our moral qualities and so we must all continue and pass this resolution unanimously.

I must point out here that my resolution does not do away with the prospective disqualification altogether. It is indeed modest in that it agrees to such disqualifications, provided they are based on convictions involving moral turpitude but nothing else. That is, my resolution is that, whatever his term of sentence might be, no ex-convict shall be ineligible for election, unless his conviction involved moral turpitude, in which case he shall remain disqualified for 5 years as now—I think I am therefore right in saying that my resolution is modest.

This brings me to the two other matters which I promised to deal separately at the outset of my speech. It may be remembered that one of them related to what I meant by convictions involving moral turpitude and the other referred to what I meant shortly by the words "the proper authorities" in my resolution. I shall now take them up one after another.

I have already informed the House what my resolution stands for. It stands for qualifying for election to the Bengal Legislative Council all ex-convicts irrespective of their term of sentences, provided their convictions do not involve moral turpitude. I shall, therefore, explain here as best as lies in my power what I mean by convictions involving moral turpitude.

It is true that it is difficult to define those convictions which involve moral turpitude, in exact legal parlance, but this is also equally true that the case-laws of both England and India simply abound in that phrase, and the reason is not far to seek. For, whatever difficulties one may experience in defining a particular thing, yet he can very well understand and appreciate it clearly and vividly, if he is really inclined to do so. So far as I am concerned, I have always held that only those convictions involve moral turpitude which violently offend one's moral feelings. There cannot be the slightest doubt that there are various crimes which involve little or no ethical or moral blame at all. Nay, they are almost always considered as virtues and cultivated as such by all the civilised peoples of the world. It was in recognition of this fact that Natal and West Australia, when some time ago prohibited importation of convicted criminals, they limited the operation of that law to only

those whose offences "involved moral turpitude." The law of extradition, which has received even legislative approved in many high quarters, also recognizes this truth and includes treason and other political offences for international arrangements for extradition. But I think I will do better, if I deal with some concrete or specific crimes or offences, which do not involve moral turpitude, instead of discussing in detail the abstract or general aspect of the proposition in question.

We are already aware that, in England, persons who are convicted of rioting, assault, libel, conspiracy, fraud or false pretences—that is, of a misdemeanour, are not ineligible for election at all. A child can find out what crimes are misdemeanours in England. I therefore do not see why this English rule should not be adopted here without hesitation.

We are also aware that, in England, if a man is convicted of felony but sentenced to a term not exceeding 12 months without hard labour, then he is not disqualified. What is felony in English law is well-known to all but our time-limit is 6 months and we have no distinction between imprisonments with hard labour and those without it. I think we can safely raise our time-limit to 12 months, if it is without hard labour, in case of felonies.

As to treason, I am decidedly of opinion that there should be no disqualification of any kind on that account. It is not at all a difficult task to find out what crimes are treasonable in England and, compared with those crimes, what offences here are treasonable in character. When that is done, then the English rule that the convict remains ineligible until he has suffered the punishment to which he has been sentenced but to no further period, ought to be incorporated in our rule here.

I have a special fascination for treasonable offences and I have a special passion to plead for those who offend against them. I have learnt these things from the Englishmen themselves. Do I not know the celebrated cases of Flora Macdonald and George Washington? Do I not remember what Sir Walter Scott has said about them? It is indeed disgraceful that people who fight for freedom should not only be confined in jails but also disqualified to come to all those places for whose greater freedom they fought and suffered and perhaps risked their lives.

After all, every successful player of treasonable games is either a martyr or saviour of his country and his punishments and disqualification not only do not deter anybody but on the contrary they encourage sympathy and active participation of other. You can take away light from the sun and make its darkness pure and simple, but you cannot separate from a man's mind his love of freedom, for freedom is God and God is freedom, and no believer can possibly forsake the one or the other. However much disunited and degenerated we may be at present, Mother India's future is as sure as I am speaking here to-day. She shall grow, she shall fight, she shall achieve independence sooner or

later. They are only blackening the pages of their history and their own faces by keeping these statutory records of their base and mean activities against that undoubted onward march.

One matter more and I am done. The words "proper authorities" in my resolution mean the Governor General in Council, the Secretary of State in Council, and both Houses of Parliament. The Government of Bengal is to recommend the change, the Governor General in Council is to agree to that and obtain sanction of the Secretary of State in Council. Then the changed rule shall be laid before both Houses of Parliament and if there be no objection for 30 days thereafter, it will become the law of this country.

I only trust, for the reasons which I have already given in detail, these authorities will see their way to accept any proposal. In any case, I hope my Hon'ble friends will pass this resolution unanimously at least with an overwhelming majority.

Dr. PRAMATHANATH BANERJEA: I rise to give my whole-hearted support to this resolution. The disqualification in question is based not on the nature of the offence but on the period of sentence. The rule is an absurd one. The sooner it is modified, the better. In this connection, I desire to remind this Council that, when the Calcutta Municipal Bill was under consideration, it was sought to introduce a similar disqualification into this Bill by Government but the Government had the good sense afterwards to accede to the wishes of the Council and accepted the amendment seeking to confine the disqualification only to cases of moral turpitude. This House I believe, also remembers that last year resolutions of a similar nature were moved by my friends Rai Harendranath Chaudhuri and Mr. Indu Bhushan Datta, and although the bulk of the elected element of the Council was in favour of the resolution, the Government strongly opposed to it and was able, with the aid of the official, the nominated, and the non-official European members of the Council to defeat the resolution by a majority of only one vote. The atmosphere of the Council has now completely changed and I have not the slightest doubt that this Coucil will accept this resolution by an overwhelming majority.

Mr. M. DAUD: I beg to support this resolution on the ground that the framers of the rules when they framed them did not consult the rules as they are in England. I cannot understand what made Government frame the rule that if a man is convicted for more than six months he would be debarred from standing as a candidate for any constituency. Is it a fact that these rules were framed by Government because we are living in India—because it is not an independent country—is it for that reason that these rules have been framed? The sooner these rules are removed, the better for the country and better also for the administration. Sir, owing to the existence of these rules some of our distinguished countrymen, who are patriots, have been debarred from entering this Council. If these rules did not exist they might have come

to the Council and might have done a good deal of good to the country. Some of my personal friends whom I have known since my college days and whose names are well known—I mean Mr. Tasiruddin Ahmad of Faridpur whom I have known from my infancy and whom I hold in great esteem, Mr. Samududdin Ahmad and Mr. Upsaruddin Ahmad—have all been debarred from coming to this Council due to the existence of these rules. Sir, some of the accredited leaders of our country like Maulana Abul Kalam Azad and Maulvi Nasirur Khan have been debarred from coming to this Council due to the existence of these rules (cries of: "Shame"). Is it not fair on the part of Government to modify these rules so that our distinguished countrymen may come to this Council so that much could be done to this country. With these words I whole-heartedly support the resolution of my friend, Mr. B. N. Sasmal.

Mr. NISITH CHANDRA SEN: I wish to accord my whole-hearted support to the resolution which has been so ably moved by my friend, Mr. B. N. Sasmal. My only regret is that it does not go far enough. I think that there should be no rule disqualifying any person from standing for election whatever offences he might have been convicted of. My reason is this: The question is not one of nominated members. The question affects the elected members; and if a man after conviction is elected by the majority of the people to the Council that will show that his conviction was wrong and that his countrymen believe in him. A thief or a rogue will not be elected by the people. If you find a man has been elected by the majority of the people it will clearly show that the judge was wrong in convicting him. Sir, in this country we have not got jury trial in every case and very often convictions are made by magistrates. Those of us who have got experience of law courts know that justice is not always done in criminal cases. That is why we have been urging for the separation of the judicial from the executive. Some of these convictions fully emanate from higher authorities, and therefore, convictions are no test for a man's eligibility. I therefore think that this distinction should be done away with. However, Sir, it is a matter that is beyond the resolution under discussion. But why have these rules been brought in? Of whom are the bureaucrats afraid? They are not rogues or thieves but self-sacrificing men who are willing to serve their country—men who go to jail not for any offence which involves moral turpitude, but go to jail for something which they think they ought to do. Every one is aware that about [illegible] persons were convicted during the non-co-operation period. We have amongst us—a leader of the Swarajya party who was convicted during that period, and if his conviction was for six months and one day he would not have been here to-day. He would have been debarred by the rules from entering the Council; and is there any man in this House who regrets that he is here—is there any one here who does not think that he is an acquisition to this Council? Who are the men who are wanted here. We want men who are willing to

administer the laws of the country and to legislate for it—men who are willing to serve their country to the best of their ability and with sincerity; and this rule prevents those very men from coming in. Under the circumstances the sooner the law is changed the better for the country. I have said enough to show that this rule ought not to find a place in the Statute and ought to be done away with as soon as possible.

The Hon'ble Sir ABD-UR-RAHIM: This question, as has been pointed out by one of the previous speakers, was considered last August. It was fully discussed then and I explained the difficulty of the Government in accepting the resolution which was then before the House. The Government was, however, able to accept one of the resolutions—the one moved by Kumar Shib Shekhareswar Ray who, I hope, will be able to support me in this connection. The position of the Government very briefly is this: The matter is now under consideration and it is likely that the rules will be revised but as the House is fully aware and as Mr. Sasmal has himself told the House it is a question entirely for the Secretary of State. The Government of Bengal has already represented the matter and it is now under consideration of the Government of India. We can do no more in this connection. I do not wish to argue the question as to the difficulties which may arise as regards the wording of this particular resolution. I think Mr. Sasmal has read the report of the Joint Parliamentary Committee as regards this and the difficulty that was felt by Mr. Montagu was about the meaning of the phrase "moral turpitude" as being too wide and undefinable. That was the main reason why the Committee was unable to accept the phrase.

Well, Sir, there is another matter which is worth considering and that is this: Who is going to decide whether a certain offence involves moral turpitude or not and whether a man convicted of such offence ought to be debarred from taking part in political activities or not? Is it the Government or this House or any outside body? That is one of the important points in which the resolution is defective. But so far as the main principle is concerned, I can assure this House that it is not the attitude of the Government that any person who has once been convicted should be debarred for ever from taking part in legitimate politics. Government have never acted in this spirit. So far as the present resolution is concerned, I have said that this question is under consideration; and if the House is going to pass this resolution we will be glad to forward it to the Government of India.

Mr. BIRENDRA NATH SASMAL: I have nothing further to add to what I have already said, as the Hon'ble Member in charge of this particular department has stated that he would forward the resolution to the Government of India, if it is passed by this House.

The motion was then put and agreed to.

Withdrawal of resolution.

SHAH SYED EMDADUL HAQ being absent, the following resolution standing in his name was deemed to be withdrawn:—

"This Council recommends to the Government that orders be issued to the divisional commissioners and magistrates to the effect that as far as possible where the chief officer is a Hindu, there be placed under him a Mussalman, and where the chief officer is a Mussalman, there be placed under him a Hindu officer."

Inquiry into the condition of the Saraswati.

Babu TARAKNATH MUKERJEA: In the absence of Babu Satya Kishore Banerjee I beg to move the following resolution:—

"This Council recommends to the Government that early steps be taken to inquire into the present condition of the Saraswati river, in the districts of Hooghly and Howrah, and to adopt measures to clear the same and to widen and deepen the said river to admit a flow of fresh water."

It is a matter of extreme importance so far as my district is concerned. From my personal experience I can assure the House that it is a cause of standing suffering to my district. Sir, the river Saraswati, which is also recognised as a holy river like the Ganges, has now become totally silted up. This river is the main outlet of water in the district and as it has been silted up no water can now pass out to the Ganges, thus leaving thousands of acres of land totally under water over six feet deep for over four months during the year. As a result of this, not only the poor cultivators are totally deprived of any crop, but it has also rendered the entire locality very unhealthy and malaria, kala-azar, etc., are causing a havoc there. Sir, I, as an eye-witness of their sufferings, strongly urge the Government that immediate steps be taken to remove this legitimate grievance of the constituency which I have the honour to represent.

Babu KHAGENDRA NATH GANGULY: I whole-heartedly support the resolution moved by Babu Taraknath Mukerjea in the absence of Babu Satya Kishore Banerjee. It is incumbent on the Government to take steps for the improvement of the condition of the Saraswati river through the districts of Hooghly and Howrah and as such I support the resolution.,

Babu MANMATHA NATH ROY: On behalf of the Hooghly constituency to which I belong I whole-heartedly support the resolution moved by Babu Taraknath Mukerjea. It is partly a sanitary project

and partly an irrigation project and the silting of the river has greatly affected the people of that locality.

Babu BORODA PROSAD DEY: I join my voice in support of this resolution. I know some attempts have been made in regard to the excavation of the Saraswati. It was a half-hearted attempt, but I hope that Government will now take up the question in right earnest and do what is necessary in regard to this very important question.

Maulvi SAYYED SULTAN ALI: All the members coming from the Hooghly district have supported the resolution moved by Babu Taraknath Mukerjea. Although we do not belong to that district, we may be considered quite unsympathetic, if we do not give our support to it. I therefore support it whole-heartedly.

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): A project has already been received for taking water from the Damodar *via* the Jamalpur sluice, Kana Damodar and Kana Nadi into the Saraswati river. Provision has also been made for drawing some water from the Dankunia swamp into the Saraswati. The project has been examined and is now awating certain vital information regarding the discharge from the Damodar and some other calculations which have to be supplied. This is now being done and it is expected that the report will be received shortly. We are entirely in favour of cleaning out the Saraswati and flushing it with water, but it would be little use to clear it until we can flush it as it would at once silt up again. As soon, therefore, as the flushing scheme is received, we can have the whole scheme complete and go ahead. I have no hesitation on the part of Government in accepting the resolution.

Babu TARAKNATH MUKERJEA: As my resolution has been accepted by the Hon'ble Member, I shall not waste the time of the Council by speaking anything further.

The motion was then put and agreed to.

Post of Principal, Bethune College.

Babu JATINDRA NATH BASU: I move that "this Council recommends to the Government that the post of the Principal of the Bethune College, Calcutta, be filled by an Indian lady."

The question of female education is one of very great importance to this country, but this question is one that is beset with very great difficulties owing to the customs and usuages of this country. It has,

therefore, to be dealt with in a very careful manner. As it requires delicate handling it is necessary from the point of view of advancement of female education that it should be in the hands of persons who are acquainted with the usages and customs and the idiosyncracies of Indian womanhood. I move this resolution not on any racial consideration but purely from the point of view of advancement of female education in this country. The Bethune College is a very important institution; it is the only college for the education of Indian girls for the university degrees. It is therefore necessary that in the management and administration of the Bethune College we should have such a staff as will not only be acquainted with the life of the scholars but will be sympathetic towards them. We know that for some years Miss Bose was the Principal of the College and the college prospered during the time she had control of it. A European lady has now been appointed as the Principal of the College. I do not say that as regards training or her educational qualifications she is not fit to fill that post, but from the very nature of things it is only proper that an Indian lady who is qualified should be placed in charge of the institution in order that she may attract a large number of scholars to the college and in order that she may treat the scholars sympathetically. There are Indian ladies who are fit for holding the appointment, and from the point of view of economy, if an Indian lady is appointed, the appointment will certainly be more economical than the appointment of a European lady. It may be contended that the present incumbent is under a covenant with Government. If she is, there are other posts under Government to which she may be transferred. Miss Brock is going away on leave and will retire shortly, and the present Principal of the Bethune College may be transferred to Miss Brock's post.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Maulvi A. K. FAZL-UL-HUQ): I am prepared to welcome this resolution as an expression of the best intentions for making a suggestion in furtherance of the very important problem of female education, but I am sorry to have to remark that the resolution has been moved somewhat before its time. The present Principal of the Bethune College has been specially selected and recruited for the post. As Mr. Jatindra Nath Basu has admitted, she was appointed under a covenant by the Government as regards her pay and allowances and that covenant has yet to run. The question, therefore, of appointing another lady Principal in her place does not arise, because there is not at the present moment any vacancy. Mr. Basu has said that the post of the Principal of the Bethune College is one of great responsibility and importance, because the lady Principal must be sympathetic to the lady pupils in her charge and she must know their customs and manners and be sympathetic in dealing with them. Well, Sir, I had been to the Bethune College the other day on the occasion of its annual prize-giving ceremony, and I bear testimony to the fact that from all

accounts that I heard the present Principal is extremely sympathetic and gives the utmost attention to the requirements of the pupils. So far, therefore, as sympathy is concerned, there is no lack of it on the part of the present Principal.

Then as regards the prosperity of the Bethune College during the time of an Indian lady Principal, I may just remind Mr. Basu that the last quinquennial report published by the Government of India pays a high tribute to the excellent results achieved by the students of the Bethune College during the last few years for which this European lady has been the Principal. I submit, therefore, that there is no cause for complaint so far as efficiency of instruction or the management of the college or the quality of the work is concerned. I can assure Mr. Basu that I shall be extremely pleased, when the occasion arises, to try and find a suitable Indian lady Principal for the Bethune College, but before there is any vacancy, and especially since there is absolutely no reason why the present lady Principal should be removed from the post, it is impossible for Government to consider the question of creating a vacancy out of time and removing the present Principal in order to make room for an Indian lady. As I said, as soon as a vacancy occurs, this question will certainly be considered.

As regards the suggestion whether the present Principal cannot be provided in another post, I beg to point out that the covenant has yet to run and it is not possible for Government to force the present Principal to take service elsewhere; until she voluntarily comes forward, our hands are tied. For all these reasons and in view of the assurance that I am prepared to give that as soon as a vacancy occurs, the suggestion made by Mr. Basu will receive my best consideration, and also in further consideration of the fact that I am extremely anxious myself to appoint an Indian lady as soon as an occasion arises, I hope my friend will see his way to withdraw his resolution.

Babu JATINDRA NATH BASU: The Hon'ble Minister has admitted the necessity and advisability of appointing an Indian lady to the post of the Principal of the Bethune College, but the objection that he has made to the suggestion is that there is a covenant which is running and has still to run and the present Principal has some rights under it. The covenant, if I understand it rightly, is that she is a member of the women's side of the Indian Educational Service; if that is so, we know that men in the Indian Educational Service are sometimes put on duty in colleges as also on the inspecting staff. I pointed out that there was likelihood of a vacancy soon in the inspecting staff for an inspectress of schools, which is quite as important an appointment as, and probably more than the appointment of the Principal of the Bethune College. There is, therefore, no insurmountable difficulty, and the Minister, if he chooses, can appoint the present Principal as an Inspectress of

Schools and put an Indian lady in her place if he thinks such a change to be desirable.

The Hon'ble Maulvi A. K. FAZL-UL HUQ: I wish to point out to Mr. Basu that when Miss Brock retires we will make a suggestion to Miss Wright to accept that post, and if she is willing to accept it, we would be glad to consider the question of appointing an Indian lady Principal. If this will satisfy my friend, I hope he will see his way to withdraw the motion.

Babu JATINDRA NATH BASU: In view of the assurance given by the Hon'ble Minister I beg leave to withdraw the resolution.

Mr. PRESIDENT: The member has asked for leave to withdraw the resolution. Does any member object to leave being given?

Maulvi Md. NURUL HUQ CHAUDHURY: I object to leave being given.

The motion was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Narendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chaudhury, Maulvi Saiyed Abdur Rab.
Chundee, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Baroda Prosad.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Huq, Maulvi Mahbubul.
Jeardar, Maulvi Altab Hossain.
Khan, Maulvi Abdur Rahid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitra, Babu Satyendra Chandra.
Morene, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohan.
Rahaman, Maulvi Md. Abdel Jabbar.
Qunder, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Anilbaran.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Nalinranjan.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Tarafdar, Maulvi Rajb Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Bey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dass, Rai Bahadur Pyari Lal.
Dutt, Mr. C. S.

Farquhar, Mr. K. G. M.
Ghaznavi, the Hon'ble Radji Mr. A. K. Aijaz Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Huq, the Hon'ble Maulvi A. K. Fazl-ul.
Liddell, Mr. H. C.
Marr, Mr. A.
McAlpin, Mr. M. C.
Moberly, Mr. A. H.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Roy, Mr. S. N.
Stephenson, the Hon'ble Sir Hugh.
Swan, Mr. J. A. L.
Travers, Mr. W. L.

The Ayes being 56 and Noes 20, the motion was carried.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 18th March, 1924.

B. G. Press—8.5.1924—629M—1,606—A. F. A.

54

INDEX

TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report.)

VOL. XIV.—NO. 4.—FOURTEENTH SESSION.

March 12th to 14th, 1924.

Adjournment, 65, 108, 156.

Agricultural Chemist, 24.

Agricultural Officers

Retrenchment of District, 4.

Agriculture

Director of, 6.

Agriculture Department

Retrenchment in, 3.

Aley, Mr. S. Mahboob

Exemption from Amusements Tax, 125.
Haj Pilgrims, 114.

Ali, Maulvi Sayyed Sultan

Carriages with open sides on Khulna-Bagerhat Railway, 13.
Condition of the Saraswati, 152.
Moslems in Government Service, 91.
Powers of Union Boards, 136.

Allowances

Non-payment of—to Deputy and Sub-Deputy Collectors when in road cess revaluation work, 9
—to the State prisoners, 5.

Amusements Tax

Exemption from, 118.

Appointment of Honorary Magistrates in Calcutta, Alipore and Sealdah, 21.

Audit of the accounts of the Criminal Investigation Department, 16.

Bagchi, Babu Romes Chandra

Deputation of Munsif, Nawabgunj to Boalia Sadar, 1.
Erosion of Nawabgunj Town, 8.
Indigenous Industries, 11.

Banerjea, Dr. Pramathanath

Bengal Electoral Rules, 148.
Calcutta Rent (Amendment) Bill, 1924, 43.

Banerjee, Mr. A. C.

Appointment of Honorary Magistrates in Calcutta, Alipore and Sealdah, 21.

Bankura

Cess revaluation in, 20.

Barton, Mr. H.

Calcutta Rent (Amendment) Bill, 1924, 38, 40, 47.
Exemption from Amusements Tax, 126.

Basu, Babu Jatindra Nath

Principal, Bethune College, 152, 154, 155.

Basu, Babu Sarat Chandra

Bengal Electoral Rules, 141.
Calcutta Rent (Amendment) Bill, 1924, 28, 36, 37, 38, 39.
Powers of Union Boards, 138.

Bill

Calcutta Rent (Amendment), 1924, 25.

Boalia Sadar

Deputation of Munsif, Nawabgunj, to, 1.

Calcutta Rent Act, 141.

Cess revaluation in Bankura, 20.

Chandpur-Noakhali Railway Line, 13.

Chatterjee, Babu Umes Chandra

Haj pilgrims, 117.

Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur

Moslems in Government service, 94.

Chaudhuri, Rai Harendranath

Consumption of liquor, hemp drugs and opium, 22.
Excise revenue, 22.

Chaudhury, Maulvi Md. Nurul Huq

Haj pilgrims, 115.
Moslems in Government service, 66, 68, 69, 70, 83.
Powers of Union Boards, 136.
Principal, Bethune College, 155.

Chittagong Excise Department

Steam launch of, 10.

Choinuddin, Khan Bahadur Maulvi Md.

Exemption from Amusements Tax, 125.
Moslems in Government service, 102.

Chunder, Mr. Nirmal Chandra

Exemption from Amusements Tax, 127.

Commissioners of Suburban Municipalities, 14.

Consumption of liquor, hemp drugs and opium, 22.

Court of Wards Act, 7.

Das Gupta, Dr. J. M.

North Bengal Floods, 19.

Das, Mr. C. R.

Moslems in Government service, 7, 5[illegible] 63, 72, 73, 83, 84, 86, 88, 90, 97, 9[illegible]

Datta, Babu Akhil Chandra

Judicial and Executive functions, 13[illegible]

Daud, Mr. M.

Bengal Electoral Rules, 148.

Deputy-President

Haj pilgrims, 109.
Moslems in Government service, 75.
Powers of Union Boards, 136.

Dey, Babu Beroda Prosad

Condition of the Saraswati, 152.
Grand Trunk Road, 2, 3.
Income from new taxes and saving effected by retrenchment, 15.
Non-payment of Allowances to Deputy and Sub-Deputy Collectors when in road cess revaluation work, 9.
Powers of Union Boards, 137.

Director of Agriculture, 6.

Division Lists

Calcutta Rent (Amendment) Bill, 1924, 40, 44, 49, 53.
Exemption from Amusements Tax, 130.
Moslems in Government service, 107.
Principal, Bethune College, 155.

Donald, the Hon'ble Mr. J.

Exemption from Amusements Tax, 128.
Income from new taxes and savings effected by retrenchment, 16.
Peons' uniforms, 12.

Dutt, Mr. G. S.

Calcutta Rent (Amendment) Bill, 1924, 25, 26, 28, 35, 43, 46, 53, 54.
Commissioners of Suburban Municipalities, 14.
Powers of Union Boards, 139.

Erosion of Nawabgunj Town, 8.

Excise policy, 17.

Excise revenue, 22

Floods

North Bengal, 12, 19.

Forrester, Mr. J. Campbell

Calcutta Rent (Amendment) Bill, 1924, 28, 34, 41, 44, 47, 49, 52.
Exemption from Amusements Tax, 118.

Gafur, Maulvi Abdul

Moslems in Government service, 70, 71, 72.

Ganguly, Babu Khagendra Nath

Conditin of the Saraswati, 151

Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan

Agricultural Chemist, 25.
Carriages with open sides on Khulna-Bagerhat Railway, 14.
Chandpur-Noakhali Railway Line, 13
Consumption of liquor, hemp drugs and opium, 23.
Director of Agriculture, 7.
Erosion of Nawabgunj Town, 8
Excise policy, 18.
Excise revenue, 22.
Grand Trunk Road, 2, 3
Haj pilgrims, 112
Indigenous industries, 11
Post of Registrar, Co-operative Societies, 15
Retrenchment in Agricultural Department, 4.
Retrenchment of District Agricultural Officers, 4.
Steam launch of Chittagong Excise Department, 10.

Grand Trunk Road, 2.

Guha, Mr. P. N.

Haj pilgrims, 109.
Recruitment in Provincial Judicial Service, 16

Haidar, Mr. S. N.

Peons' uniforms, 12

Haq, Khan Bahadur Kazi Zahirul

Moslems in Government service, 59.

Haq, Shah Syed Emdadul

Moslems in Government service, 105, 116.
Powers of Union Boards, 135, 141.
Withdrawal of resolution, 151.

Hoque, Maulvi Sayedul

Chandpur-Noakhali Railway Line, 13.
Headquarters of the Noakhali District, 23.
North Bengal Floods, 12.

Hossain, Khan Bahadur Maulvi Musharruf

Court of Wards Act, 7.
Moslems in Government service, 55, 56, 58, 59.

Hossain, Maulvi Wahed

Audit of the accounts of the Criminal Investigation Department, 16.
Calcutta Rent (Amendment) Bill, 1924, 46.
Commissioners of Suburban Municipalities, 14.
Haj pilgrims, 114.
Judicial and Executive functions, 133, 134.

Huq, Maulvi Ekramul

Moslems in Government service, 64, 79

Huq, the Hon'ble Maulvi A. K. Fazl-ul

Calcutta Rent (Amendment) Bill, 1924, 50
Moslems in Government service, 87, 88, 98, 101.
Old scheme madrassahs, 19.
Principal, Bethune College, 153, 155.

Income from new taxes and savings effected by retrenchment, 15.

Industries, indigenous, 11.

Jones, Mr. J. A.

Calcutta Rent (Amendment) Bill, 1924, 47.
Judicial and Executive functions, 130.
Moslems in Government service, 72, 73.

Khaitan, Babu Debi Prosad

Calcutta Rent (Amendment) Bill, 1924, 31, 43.
Exemption from Amusements Tax, 123, 124.
Judicial and Executive functions, 130, 135.
Moslems in Government service, 63, 64, 70.
Powers of Union Boards, 136, 138.

Khan, Maulvi Abdur Rashid

Excise policy, 17.
Old scheme madrassahs, 19.

Khulna-Bagarhat Railway

Carriages with open sides on, 13.

Madrassahs

Old scheme, 19.

Maharajadhiraja Bahadur of Burdwan, the Hon'ble the

Calcutta Rent (Amendment) Bill, 1924, 36, 37.
Cess revaluation in Bankura, 20, 21.
Condition of the Saraswati, 152.
Court of Wards Act, 7.
Moslems in Government service, 72.
Non-payment of allowances to Deputy and Sub-Deputy Collectors when in road cess revaluation work, 9.
North Bengal Floods, 13, 19.

Mitra, Babu Jogendra Nath

Moslems in Government service, 74.

Mitra, Babu Satyendra Chandra

Allowances to State prisoners, 5, 6.
Director of Agriculture, 6.
Retrenchment in Agricultural Department, 3, 4.

Mitter, Mr. P. C.

Calcutta Rent (Amendment) Bill, 1924, 34, 43, 48, 52, 53.

Moreno, Dr. H. W. B.

Calcutta Rent (Amendment) Bill, 1924, 25, 29, 30, 33, 38, 39, 45, 46, 49, 51, 54.
Exemption from Amusements Tax, 122, 128.
Moslems in Government service, 90.

Moslems in Government service, 55, 66.

Mukarjea, Babu Taraknath

Condition of the Saraswati, 151, 152.

Mukerji, Mr. S. C.

Moslems in Government service, 88, 89.

Nandy, Maharaj Kumar Sris Chandra

Haj pilgrims, 113.
Powers of Union Boards, 137.

Nawabgunj

Deputation of Munsif,—to Boalia Sadar, 1.
Erosion of—Town, 8.

Noakhali District

Headquarters of the, 23.

Oath, 1.

Peons' uniforms, 12.

Political under-trial prisoners, 7.

President.

Bengal Electoral Rules, 145.
Calcutta Rent (Amendment) Bill, 1924, 28, 29, 30, 33, 36, 38, 39, 47, 49, 50, 51, 54.
Cess revaluation in Bankura, 21.
Exemption from Amusements Tax, 123, 127, 128.
Haj pilgrims, 115, 117.
Judicial and Executive functions, 133, 135.
Letter from Babu Jitendra Nath Roy, 66.
Moslems in Government service, 55, 56, 57, 58, 59, 64, 71, 72, 78, 83, 84, 98, 100.

Principal, Bethune College, 152.

Prisoners

Political under-trial, 7.

Rahim, the Hon'ble Sir Abd-ur

Appointment of Honorary Magistrates in Calcutta, Alipore and Sealdah, 21.
Bengal Electoral Rules, 145, 150.
Deputation of Munsif, Nawabgunj to Boalia Sadar, 2.
Haj pilgrims, 115, 116.
Moslems in Government service, 86.
Powers of Union Boards, 139.
Recruitment in Provincial Judicial Service, 16, 19.

Ray, Babu Anilbaran

Cess revaluation in Bankura, 20, 21.
Steam launch of Chittagong Excise Department, 10.

Ray, Babu Surendra Nath

Calcutta Rent (Amendment) Bill, 1924, 33.

Ray, Kumar Shib Shekhareswar

Calcutta Rent (Amendment) Bill, 1924, 44, 45.
Moslems in Government service, 58, 77, 78, 89.

Recruitment in Provincial Judicial Service, 16, 18.

Registrar, Co-operative Sociaties

Post of, 15.

Resolution

Withdrawal of, 151.

Ratrenchment in Agricultural Department, 3.

Retrenchment of District Agricultural Officers, 4.

Roy, Babu Manmatha Nath

Calcutta Rent (Amendment) Bill, 1924, 31.
Condition of the Saraswati, 151.
Moslems in Government service, 77.

Roy, Dr. Bidhan Chandra

Exemption from Amusements Tax, 127.

Roy, Mr. Tarit Bhushan

Judicial and Executive functions, 135.

Roy Chaudhuri, Babu Sailaja Nath

Agricultural Chemist, 24.
Post of Registrar, Co-operative Societies, 15.

Roy Choudhuri, Rai Bahadur Satyendra Nath

Recruitment in Provincial Judicial Service, 18.

Rules

Bengal Electoral, 141.

Saraswati

Condition of the, 151.

Sasmal, Mr. B. N.

Bengal Electoral Rules, 141, 145, 150.

Sen, Mr. N. C.

Bengal Electoral Rules, 149.
North Bengal Floods, 13.

Sen Gupta, Mr. J. M.

Political under-trial prisoners, 7.

State prisoners

Allowances to, 5.

Steam launch of Chittagong Excise Department, 10.

Stephenson, the Hon'ble Sir Hugh

Allowances to State prisoners, 6.
Audit of the accounts of the Criminal Investigation Department, 17.
Headquarters of the Noakhali district, 23.
Judicial and Executive functions, 131, 134.
Moslems in Government service, 55, 58, 59, 61, 63, 64, 68, 69, 92.
Political under-trial prisoners, 8.

Suhrawardy, Dr. A.

Moslems in Government service, 86.

Suhrawardy, Major Hassan

Haj pilgrims, 117.

Suhrawardy, Mr. H. S.

Calcutta Rent (Amendment) Bill, 1924, 33, 35, 47.
Judicial and Executive functions, 134.
Moslems in Government service, 57, 98, 100, 101.

Union Boards

Powers of, 135.

Villiers, Mr. Edward

Calcutta Rent (Amendment) Bill, 1924, 53.
Moslems in Government service, 82, 83.

B.G. Press—18-12-19.4 · 674M—1,600 —C. G.